
**CITY OF GALLATIN
COUNCIL MEETING**

May 6, 2014

6:00 pm

**Dr. J. Deotha Malone
Council Chambers**

- Call to Order – Mayor Jo Ann Graves
- Invocation
- Pledge of Allegiance – Vice Mayor Alexander
- Roll Call: Vice Mayor Alexander – Brackenbury – Camp – Hayes – Kemp – Mayberry – Overton
- Approval of Minutes: Council Meeting April 15, 2014
- Public Recognition on Agenda-Related Items
- Mayor's Comments

AGENDA

1. **Public Hearing Ordinance No. ~~O1403-13~~** An ordinance of the City of Gallatin, Sumner County, Tennessee, annexing three (3) parcels comprising approximately 20.84 (+/-) acres into the City of Gallatin, located east of Airport Road and north of Cairo Road, authorizing the annexed parcel(s) to be indicated on the Official Zoning Map; authorizing assigning annexed area to a Council District; repealing conflicting ordinances; providing for severability, and providing for an effective date. **(Councilwoman Kemp)**
2. **Public Hearing Ordinance No. ~~O1404-19~~** Ordinance adopting a Plan of Service for the annexation of three (3) parcels (Tax Map 127 and Parcels 005.00, 005.07, and 005.08) containing 20.84 (+/-) acres, located east of Airport Road and north of Cairo Road. **(Councilwoman Kemp)**
3. **Public Hearing Ordinance No. ~~O1403-12~~** An ordinance of the City of Gallatin, Sumner County, Tennessee, rezoning an approximate 20.84 acre parcel, located east of Airport Road and north of Cairo Road from Low Density Residential-40 (R40) Zoning District to the Multiple Residential and Office (MRO) Zoning District and approving a Preliminary Master Development Plan for Cairo Estates, authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date. **(Councilwoman Kemp)**
4. **Public Hearing Ordinance No. ~~O1404-18~~** An ordinance of the City of Gallatin, Sumner County, Tennessee reaffirming the Mixed Use (MU) District zoning on a 30.84 (+/-) acre parcel (S.B.E. 126//001.00), located at the southeastern corner of the intersection of Long Hollow Pike and State Route 109 North and approving a Preliminary Master Development Plan for the Long Hollow Pike Mixed Use Development, authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date. **(Councilman Hayes)**

5. **Second Reading Ordinance No. O13Ø2-5** Ordinance amending the City of Gallatin, Tennessee Charter as established in Chapter 67 of the Private Acts of 1953 and as amended thereafter to establish a Rainy Day Fund **(Councilman Mayberry)**
6. **Second Reading Ordinance No. O14Ø3-10** Ordinance appropriating funds from the Sale of Equipment for the Public Works Department in the amount of \$3,484.65 **(Councilman Mayberry)**
7. **Second Reading Ordinance No. O14Ø3-14** Ordinance appropriating \$1,270.00 from revenue received by Sign Shop Sale of Materials **(Councilman Hayes)**
8. **Second Reading Ordinance No. O14Ø4-20** Ordinance appropriating \$100,000 for paving and repairs to the parking area at the Gallatin Civic Center **(Councilwoman Kemp)**
9. **First Reading Ordinance No. O14Ø5-24** Ordinance appropriating \$2,338.27 for damage to a decorative light fixture pole and lamp at West Main Street **(Councilwoman Kemp)**
10. **First Reading Ordinance No. O14Ø5-26** An ordinance amending Gallatin Municipal Code, Chapter 10, Article IV. Noise, Sec. 10-87. Exceptions **(Councilman Overton)**
11. **Resolution No. R14Ø2-4** Resolution confirming local historic landmark design guidelines for the Schamberger Opera House at 126 East Main Street **(Councilwoman Kemp)**
12. **Resolution No. R14Ø4-17** Resolution confirming reappointment of Roger Matchett to Gallatin Historic District Commission **(Councilwoman Brackenbury)**
13. **Resolution No. R14Ø4-18** Resolution reappointing James Robert Ramsey to Gallatin Regional Board of Zoning Appeals **(Vice Mayor Alexander)**

- Other Business
- Public Recognition on Non-Agenda-Related Items
- Adjourn

City of Gallatin City Council Meeting

April 15, 2014

The Gallatin City Council met in regular session on Tuesday, April 15, 2014 in the Dr. J. Deotha Malone Council Chambers Gallatin City Hall. Mayor Jo Ann Graves called the meeting to order at 6:00 P.M. Councilman Ed Mayberry led the opening prayer and Councilman Jimmy Overton led the Pledge of Allegiance.

City Recorder Connie Kittrell called the roll and the following were present:

Present:

Vice Mayor John D. Alexander
Councilwoman Julie Brackenbury
Councilman Steve Camp
Councilman Craig Hayes
Councilwoman Anne Kemp
Councilman Ed Mayberry
Councilman Jimmy Overton

Absent:

None

Others Present

Ronnie Stiles, Public Works Director
David Gregory, Public Utilities Director
Debbie Johnson, Human Resource Director
Bill McCord, City Planner
News Examiner, Reporter
Rosemary Bates, Special Projects Director
Chuck Stuart, Building Official
Nick Tuttle, City Engineer

David Brown, Leisure Services Dir.
Rachel Nichols, Finance/IT Dir.
Don Bandy, Police Chief
Connie Kittrell, City Recorder
Joe Thompson, City Attorney
Gallatin Newspaper, Reporter
Billy Crook, Fire Chief

Approval of Minutes

Mayor Graves presented the minutes of the April 1, 2014 City Council Meeting for approval. Councilman Overton made motion to approve; Councilman Camp second. Motion carried with 6 ayes and 0 nays.

Public Recognition on Agenda Related Items

Mayor Graves opened public recognition on agenda related items.

James Eagan, Chairman of the Sumner County Regional Airport Authority spoke about Items #4, #5 and #6 on the agenda concerning the Cairo Estates development. Mr. Eagan spoke about the noise issue coming from the planes taking off and landing on the runway. Mr. Eagan displayed a chart/map showing the close proximity of the airport and to the proposed development. Mr. Eagan stated Councilman Camp requested this be discussed at next week's work session.

Vice Mayor John D. Alexander entered the meeting at this time.

Police Chief Don Bandy asked permission to close the Public Square on April 24th, May 15th, June 19th, July 17th, August 21st, September 17th, and October 16th, 2014 for Third Thursday's on Main. Chief Bandy also requested closing the Square on April 26th and October 4th, 2014 for SquareFest and FallFest.

Councilman Overton made motion to approve; Councilwoman Kemp second. Motion carried with 7 ayes and 0 nays.

Marietta Gilbert of 140 Grandview Circle explained that American Idol finalist Ben Briley will be performing a free concert on April 24th at Gallatin's Downtown Public Square. Ms. Gilbert requested permission to close the Square on that date and allow the merchants to sell outside their businesses for this event.

Councilman Overton made motion to approve; Councilman Camp second. Motion carried with 7 ayes and 0 nays.

With no one wishing to speak, Mayor closed public recognition.

Mayor's Comments

Mayor Graves announced the following upcoming events:

- Friday, April 18th is Good Friday and the City will be closed.
- Saturday, April 19th Gallatin Jr. Service League is having a 5K Hop Into Spring Fun Run beginning at 7:00 AM at the Civic Center.
- Thursday, April 24th Ben Briley will be performing on the Square at 6:30 PM and the event will be moved to the Palace Theatre if it rains.

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- Thursday, April 24th the Sumner County Historic Society will host their annual dinner at 6:30 PM at the First Baptist Church on Winchester Street.
- Friday, April 25th the Government Relations Committee Meeting will be at 7:30 AM at Sumner Regional Medical Center.
- Friday, April 25th Educate A Woman Luncheon is at Volunteer State College
- Friday, April 25th Gallatin Day Care Auction and Spaghetti Supper will be at 6:00 PM at the Civic Center.
- Friday, April 25th will be the Sip and Stroll through the Market Event held on the Square.
- Friday, April 25th Shalom Zone is having their Tribute Dinner at the First United Methodist Church at 6:30 PM honoring Dr. Brenda Valentine and Charles Bone.
- Saturday, April 26th is the Downtown SquareFest from 10:00 AM until 5:00 PM.
- Saturday, April 26th is the annual Pilgrimage of Homes Show from 10:00 AM until 5:00 PM.
- Thursday, May 1st is the kick-off event for the Gallatin Chamber Golf Tournament at 5:00 PM at Long Hollow Golf Course.
- Friday, May 2nd is the Gallatin Chamber Golf Tournament at Long Hollow Golf Course.
- Friday, May 2nd begins the Bledsoe Fort Fair that runs through the weekend.
- Saturday, April 19th, the Gallatin High School Greenhouse will open to the public selling their flowers and garden varieties.
- Councilman Overton announced the Safe Place for Animals event scheduled on May 1st.
- Councilwoman Brackenbury announced the Fairvue Open House scheduled for April 27th from 1:00 – 5:00 PM.

City Attorney Joe Thompson entered the meeting at this time.

Agenda

1. Ordinance #O1403-15 – Second Reading

Councilman Mayberry presented this ordinance awarding bid and authorizing funds for Industrial Park Water and Sewer System Improvements Contract “209”.

Councilman Mayberry made motion to approve; Vice Mayor Alexander second. Motion carried with 7 ayes and 0 nays.

2. Ordinance #O1403-10 – First Reading

Councilman Mayberry presented this ordinance to appropriating funds from Sale of Equipment for the Public Works Department in the amount of \$3,484.65.

Councilman Mayberry made motion to approve; Councilman Overton second. Motion carried with 7 ayes and 0 nays.

3. Ordinance #O1403-14 – First Reading

Councilman Hayes presented this ordinance appropriating \$1,270 from revenue received by Sign Shop Sale of Materials.

Councilman Hayes made motion to approve; Councilwoman Brackenbury second. Motion carried with 7 ayes and 0 nays.

4. Ordinance #O1403-13 – First Reading

Councilwoman Kemp presented this ordinance of the City of Gallatin, Sumner County, Tennessee, annexing three (3) parcels comprising approximately 20.84 (+/-) acres into the City of Gallatin, located east of Airport Road and north of Cairo Road, authorizing the annexed parcel(s) to be indicated on the Official Zoning Map; authorizing assigning annexed area to a Council District; repealing conflicting ordinances; providing for severability, and providing for an effective date.

Councilwoman Kemp made motion to approve; Councilman Overton second. Motion carried with 7 ayes and 0 nays.

5. Ordinance #O1404-19 – First Reading

Councilwoman Kemp presented this ordinance adopting a Plan of Service for the annexation of three (3) parcels (Tax Map 127 and Parcels 005.00, 005.07 and 005.08) containing 20.84 (+/-) acres, located east of Airport Road and north of Cairo Road.

Councilwoman Kemp made motion to approve; Councilman Camp second. Motion carried with 7 ayes and 0 nays.

6. Ordinance #O1403-12 – First Reading

Councilwoman Kemp presented this ordinance of the City of Gallatin, Sumner County, Tennessee, rezoning an approximate 20.84 acre parcel, located east of Airport Road and north of Cairo Road from Low Density Residential -40 (R40) Zoning District to the Multiple Residential and Office (MRO) Zoning District and approving a Preliminary Master Development Plan for Cairo Estates, authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date.

Councilwoman Kemp made motion to approve; Councilman Overton second. Motion carried with 7 ayes and 0 nays.

7. Ordinance #O1404-18 – First Reading

Councilman Hayes presented this ordinance of the City of Gallatin, Sumner County, Tennessee reaffirming the Mixed Use (MU) District Zoning on a 30.84 (+/-) acre parcel (S.B.E. 126/ /001.00), located at the southeastern corner of the intersection of Long Hollow Pike and State Route 109 North and approving a Preliminary Master Development Plan for the Long Hollow Pike Mixed Use Development, authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date.

Councilman Hayes made motion to approve; Councilwoman Brackenbury second. Motion carried with 7 ayes and 0 nays.

8. Ordinance #O1404-20 – First Reading

Councilwoman Kemp presented this ordinance appropriating \$100,000 for paving and repairs to the parking area at the Gallatin Civic Center.

Councilwoman Kemp made motion to approve; Councilman Overton second. Motion carried with 7 ayes and 0 nays.

9. Ordinance #O1404-21 – First Reading

Councilwoman Brackenbury presented this ordinance amending Gallatin Municipal Code, Chapter 11, Licenses and Business Regulations, Sec. 11-135. Exemptions, relative to Agricultural Sales.

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Councilwoman Brackenbury made motion to approve; Councilman Hayes second. Motion failed with 2 ayes and 5 nays. Councilwoman Brackenbury and Councilman Hayes voted aye. Councilman Mayberry, Vice Mayor Alexander, Councilwoman Kemp, Councilman Camp and Councilman Overton voted nay.

10. Resolution #R1403-10

Councilman Overton presented this resolution establishing a Social Media Policy.

Councilman Overton made motion to approve; Councilman Camp second. Motion carried with 7 ayes and 0 nays.

11. Resolution #R1403-11

Vice Mayor Alexander presented this resolution approving revised job description of Assistant Building Official for the Codes Department.

Vice Mayor Alexander made motion to approve; Councilman Mayberry second. Motion carried with 6 ayes and 1 nay. Councilman Camp voted nay.

12. Resolution #R1404-13

Councilman Camp presented this resolution to reappoint Michelle Haynes to Sumner County Board of Equalization.

Councilman Camp made motion to approve; Councilman Overton second. Motion carried with 7 ayes and 0 nays.

13. Resolution #R1404-14

Councilman Camp presented this resolution in support of FastTrack Infrastructure Development Program (FIDP) Application to serve ABC Technologies.

Councilman Camp made motion to approve; Councilman Overton second. Motion carried with 7 ayes and 0 nays.

14. Resolution #R1404-15

Councilwoman Brackenbury presented this resolution of the City of Gallatin, Tennessee endorsing and supporting an application for an Active Transportation Grant from the Nashville Area Metropolitan Planning Organization for the development of various sidewalk improvements in the City of Gallatin.

Councilwoman Brackenbury made motion to approve; Councilman Mayberry second.

Mayor Graves stated the money request was left blank on this resolution. Mayor requested Council decide on the amount of funds to request for the grant.

City Planner Bill McCord provided a handout to Council with the list of proposed sidewalks listed by Council Districts. Mr. McCord stated he had met with most of the Council members and determined their top three or four sidewalks in their districts. Mr. McCord asked Councilman Overton for his top sidewalks in his district. Councilman Overton requested the locations involving Lock 4 Road.

Mr. McCord added the top requested sidewalks from each district and the final total was \$682,740 with a 20% local city match of \$136,548 but minus Public Works budgeted \$50,000 line item which makes it a \$86,548 city match.

Council continued to discuss.

Councilwoman Kemp made motion to amend to approve rounding the City 20% Local Match to \$140,000; Councilman Hayes second. Motion carried with 7 ayes and 0 nays.

Mayor called for the vote on the original motion. Motion carried with 7 ayes and 0 nays.

Other Business

Mayor Graves called for other business.

Public Works Director Ronnie Stiles informed Council that he is having requests to perform work in the Planning Region. Mr. Stiles stated that he does not have the man power or resources to continue the requests for work in the Planning Region and keep up with the work inside the City Limits.

Police Chief Don Bandy referenced the ordinance passed August 20, 2013 that states the City will enforce the violations in the Planning Region. Chief Bandy stated the Codes Enforcement Officer Jessica Jackson has had several complaints in the Planning Region and the city is obligated to respond.

Discussion continued and Mr. Stiles will revise his budget to cover these expenses.

City Attorney Joe Thompson left the meeting at this time.

Public Recognition on Non-Agenda Related Items

Mayor called for public recognition on non-agenda related items.

Joe Debord of 1007 Hart Street spoke about a federal grant for no hazardous material going across railroad crossings. Mr. Debord stated the Red River Road railroad crossing is very dangerous and he requested the City pass a resolution in support of a federal grant. Mr. Debord also spoke about rerouting the truck route to not cross the railroad tracks.

Mr. Debord commented on the Park Avenue project; opening up the vacant property on the corner Westland and Park Avenue.

Mr. Debord thanked Council for the sidewalks.

David Mast, Account Manager for ATS (American Traffic Solutions) thanked Council for renewing their contract last week.

Vice Mayor Alexander thanked Mr. McCord for the larger list/map of the sidewalks. Mr. Alexander announced the passing of Robert Coker, teacher at Jack Anderson Elementary School and asked everyone to remember his family during this time.

Budget Presentations

There were no budget presentations.

Adjourn

With no other business to discuss, the meeting was adjourned.

Mayor Jo Ann Graves

City Recorder Connie Kittrell

PUBLIC HEARING: MAY 6, 2014

2ND READING: MAY 20, 2014

ORDINANCE NO. 01403-13

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, ANNEXING THREE (3) PARCELS COMPRISING APPROXIMATELY 20.84 (+/-) ACRES INTO THE CITY OF GALLATIN, LOCATED EAST OF AIRPORT ROAD AND NORTH OF CAIRO ROAD, AUTHORIZING THE ANNEXED PARCEL(S) TO BE INDICATED ON THE OFFICIAL ZONING MAP; AUTHORIZING ASSIGNING ANNEXED AREA TO A COUNCIL DISTRICT; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of property of the affected area has/have submitted a petition to annex 20.84 acres located adjacent to and substantially contiguous to the City of Gallatin, Tennessee city limits and located in the City of Gallatin Planning area; and

WHEREAS, a public hearing was held following public notice as prescribed by ordinance and §6-51-102 T.C.A.; and

WHEREAS, the City of Gallatin deems it reasonable and mutually beneficial to annex the territory described herein; and

WHEREAS, the Gallatin Municipal-Regional Planning Commission has by a majority vote recommended approval of the proposed annexation AND Plan of Service to the affected area; and

WHEREAS, the City Council of the City of Gallatin has approved a Plan of Services for the annexation area as described in Ordinance O1404-19 (Exhibit 'A').

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE:

Section 1. The City Council of the City of Gallatin does hereby annex the following property as described in Exhibit 'B' and indicated on the map in Exhibit 'C';

Section 2. The City Council of the City of Gallatin does hereby approve, authorize and direct the revision of the City's boundaries and the Official Zoning Atlas to show the classification for the area as hereby being annexed into the City as shown on Exhibit 'B' and Exhibit 'C' attached hereto.

Section 3. The territory described in Exhibit 'B' and depicted in Exhibit 'C' shall become part of the City Council District 1.

Section 4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 6. This ordinance shall take effect thirty (30) days after final passage, the public welfare requiring such, per Sec. 6-51-102(a)(1) T.C.A.

PASSED FIRST READING: April 15, 2014

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

Exhibit 'A' – Plan of Services for the annexation property (Ordinance O1404-19)

Exhibit 'B' – Legal Description of annexation territory

Exhibit 'C' – Map of the annexation territory

Section 5. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 6. This ordinance shall take effect thirty (30) days after final passage, the public welfare requiring such, per Sec. 6-51-102(a)(1) T.C.A.

PASSED FIRST READING: [DATE]

PASSED SECOND READING: [DATE]

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

Exhibit 'A' – Plan of Services for the annexation property (Ordinance O14Ø4-19)

Exhibit 'B' – Legal Description of annexation territory

Exhibit 'C' – Map of the annexation territory

EXHIBIT A

ORDINANCE NO. 01404-19

ORDINANCE ADOPTING A PLAN OF SERVICE FOR THE ANNEXATION OF THREE (3) PARCELS (TAX MAP 127 AND PARCELS 005.00, 005.07, AND 005.08) CONTAINING 20.84 (+/-) ACRES, LOCATED EAST OF AIRPORT ROAD AND NORTH OF CAIRO ROAD.

WHEREAS, the City of Gallatin received a petition by a property owner for the annexation of 20.84 (+/-) acres contiguous to the City; and

WHEREAS, the area proposed for annexation to the City of Gallatin is substantially contiguous to the corporate limits to the City and within the City's Urban Growth Boundary, as required by law; and

WHEREAS, Tennessee Code Annotated Section 6-51-102(b) as amended requires that a Plan of Service be adopted by the governing body of a City prior to the passage of an annexation ordinance; and,

WHEREAS, the Gallatin Municipal-Regional Planning Commission, pursuant to T.C.A. 6-51-102(b), 6-51-107, 13-3-104, 13-3-301, and 13-4-103 has reviewed and recommended approval of this Plan of Service, as contained in this ordinance, in GMRPC Resolution 2014-24.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, AS FOLLOWS:

SECTION 1. Pursuant to the provisions of Section 6-51-102, Tennessee Code Annotated, there is hereby adopted, for the area bounded as described in Exhibit 'A' and the Plan of Service described in Exhibit 'B':

SECTION 2. This Ordinance shall be effective April 24, 2014, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

EXHIBIT A

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

Exhibit 'A' – Legal Description and Annexation Exhibit
Exhibit 'B' – Plan of Service

EXHIBIT B PLAN OF SERVICE FOR CAIRO ESTATES (PC0259-14)

A. Water

Water service in the annexation area will be provided by Gallatin Public Utilities (GPU). There is a six (6) inch GPU water line located within Cairo Road, which is adjacent to the proposed entrance of this development.

Gallatin Public Utilities has indicated that:

- The existing utility infrastructure will support this proposed annexation. Detailed plans and specifications for extending water and sanitary sewer to this development must be submitted for review and approval.
- Additional water and/or sanitary sewer capacity may be needed to serve the annexation property and development. Upon receipt of detailed plans and specifications for water and sewer installations and hydraulic calculations. Specific facility needs cannot be determined. The developer of the properties should be responsible for extending municipal water lines to the property upon or prior to development.

B. Sanitary Sewer

Sanitary sewer service in the annexation area will be provided by Gallatin Public Utilities (GPU). There is a 12 inch sanitary sewer line located along Albright Creek, which bisects this property between the proposed Phase 2 and 3.

Gallatin Public Utilities has indicated that:

- The existing utility infrastructure will support this proposed annexation. Detailed plans and specifications for extending water and sanitary sewer to this development must be submitted for review and approval.
- Additional water and/or sanitary sewer capacity may be needed to serve the annexation property and development. Upon receipt of detailed plans and specifications for water and sewer installations and hydraulic calculations. Specific facility needs cannot be determined. The developer of the properties should be responsible for extending municipal water lines to the property upon or prior to development.

C. Street Construction and Maintenance

Approximately 2,660 linear feet of new roadways are proposed within Cairo Estates. The streets in the annexation area will be maintained by the City of Gallatin upon request from the property owner for the City of Gallatin to accept the roads.

EXHIBIT A

D. Solid Waste and Refuse Collection

Upon annexation, the City of Gallatin will begin the collection of solid waste in the annexation area based on the provisions set forth in the Gallatin Municipal Code.

E. Planning and Zoning Services

Upon annexation, the planning and zoning services of the City of Gallatin will continue to be provided in the annexation area.

F. Building Inspections and Code Enforcement Services

Upon annexation, building and code inspection services will continue to be provided by the City of Gallatin.

G. Fire Protection

Present personnel and equipment of the Gallatin Fire Department will provide fire protection on and after the effective date of the annexation. The developer will provide fire hydrants in the annexation area pursuant to NFPA Life Safety Standards as determined by the City's Senior Fire Inspector.

Gallatin Fire Department has indicated that no additional firemen or departmental vehicles will be needed for this annexation/plan of service.

H. Police Protection

Police patrol, response to calls, and other routine police services by the Gallatin Police Department will be provided with existing personnel on and after the effective date of the annexation.

Gallatin Police Department has indicated that:

- No additional police officers will be needed to provide service to this area due to annexation and
- No additional departmental vehicles will be needed.

I. Animal Control

The Public Works Department provides animal control services and enforces the City's animal control ordinances. These services will be available in the annexation area when the annexation becomes effective.

J. Recreational Facilities and Programs

The benefit and use of all recreational facilities and programs provided by the Leisure Services Department will be available on and after the effective date of the annexation. Recreational facilities and programs will be provided with existing personnel, facilities, and resources.

EXHIBIT A

K. Street Lighting and Electric Service

Street lighting will be extended into the annexed area in accordance with existing City policy along with the extension of City electric facilities as provided in T.C.A. Section 6-51-112. Either the City of Gallatin or Cumberland Electric Membership Corporation will provide electrical service to the annexation area.

Gallatin Department of Electricity has indicated that:

- The existing Gallatin Department of Electricity infrastructure will not support this proposed annexation and subsequent development.
- To be served by Gallatin Department of Electricity, the developer must supply route electric service lines, approved by GDE, from either Gregory Drive or Airport Road for access to this development. GDE cannot build an elevated power line along Cairo Road from Airport Road due to FAA restrictions. GDE will have discussions with Cumberland Electric Membership Corporation (CEMC) about serving this development.

The City may negotiate to acquire CEMC lines serving the development after construction or franchise to CEMC the operation of services in the annexation area as provided by T.C.A. Sec. 6-5-112.

L. Gas

The Gallatin Public Utilities Department provides natural gas services to residential, business, and industrial customers in the City of Gallatin and outside the City's corporate limits. The Public Utilities Department will extend natural gas service in the annexation area. Upon extension of gas lines by Gallatin Public Utilities, the City will oversee and monitor such lines.

EXHIBIT B

ATTACHMENT 3-2

DESCRIPTION OF THE HENRY HOLLEMAN PROPERTY: 20.84 ACRE TRACT

The property described herein is located in the 2nd Civil District of Sumner County, Tennessee; situated on the northern side of Cairo Road approximately 0.3 mile easterly of the intersection with Airport Road adjoining the City Limits of Gallatin, Tennessee; being known as Job Number 13031T as described by a survey performed by Richard D. Graves, Tennessee Registered Land Surveyor Number 1628, on the 27th day of January, 2014 in detail as follows:

Beginning on a five-eighths inch iron re-bar found on the north right-of-way of Cairo Road, being found 28.00 feet from the existing centerline of said road at the southeastern corner of the Sumner County Regional Airport Authority (R.B. 502 P. 70), being the southwestern corner of the herein described tract, thence running with the east line of the Sumner County Regional Airport Authority (R.B. 502 P. 70), Lot 1 of the Ramsey Industrial Center Subdivision - Section Two (P.B. 19 P. 53) - Owner - Joseph C. Merlo (R.B. 1175 P. 268), and Lot 10 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gary H. Branham, et ux (R.B. 3275 P. 552) along the City Limits of Gallatin, Tennessee N 05 degrees 52 minutes 53 seconds E 1,120.77 feet to a half inch iron re-bar found by a corner post in the east line of Lot 10 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gary H. Branham, et ux (R.B. 3275 P. 552) at the southwest corner of the Gregory Real Estate, LLC. Property (R.B. 3278 P. 320), thence running and cornering with the Gregory Real Estate, LLC. Property (R.B. 3278 P. 320), continuing with the City Limits of Gallatin, Tennessee, for the next two calls: S 81 degrees 54 minutes 44 seconds E 298.52 feet to a half inch iron re-bar found by a corner post, thence N 12 degrees 42 minutes 51 seconds E 373.63 feet to a one inch iron pipe found by a corner post at the northeast corner of the Gregory Real Estate, LLC. Property (R.B. 3278 P. 320) in the south line of Lot 11 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gregory Real Estate, LLC. (R.B. 3203 P. 50), thence running with the south line of Lot 11 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gregory Real Estate, LLC. (R.B. 3203 P. 50) S 83 degrees 29 minutes 58 seconds E 514.76 feet (passing through a half inch iron re-bar found at 109.39 feet, leaving the City Limits of Gallatin, Tennessee, and passing through a railroad spike found at 304.43 feet at a Deed/Tract corner of Holleman) to a five-eighths inch iron re-bar found in concrete by a corner post in the south line of Lot 11 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gregory Real Estate, LLC. (R.B. 3203 P. 50) at the northwest corner of the Cairo Landing Subdivision - Phase One (P.B. 22 P. 15) - Owner - the Cairo Landing Phase 1 Homeowners' Association, Inc. (R.B. 2984 P. 160), thence running and cornering with the Cairo Landing Subdivision - Phase One (P.B. 22 P. 15) - Owner - the Cairo Landing Phase 1 Homeowners' Association, Inc. (R.B. 2984 P. 160) for the next three calls: S 06 degrees 02 minutes 05 seconds W 297.63 feet to a half inch iron re-bar found (Darnall RLS 1571), thence S 20 degrees 02 minutes 33 seconds W 153.35 feet to a half inch iron re-bar found (Darnall RLS 1571), thence S 24 degrees 45 minutes 19 seconds W 657.51 feet to a half inch iron re-bar set prior survey at the southwest corner of the Cairo Landing Subdivision - Phase One (P.B. 22 P. 15) - Owner - the Cairo Landing Phase 1 Homeowners' Association, Inc. (R.B. 2984 P. 160) with the northwest corner of the Cairo Landing Subdivision - Phase Two (P.B. 23 P. 20) - Owner - the Cairo Landing Phase 2 Homeowners' Association, Inc. (R.B. 2984 P. 113), thence running and cornering with the Cairo Landing Subdivision - Phase Two (P.B. 23 P. 20) - Owner - the Cairo Landing Phase 2 Homeowners' Association, Inc. (R.B. 2984 P. 113) for the next three calls: S 06 degrees 52 minutes 10 seconds E 167.00 feet to a half inch iron re-bar set prior survey, thence S 05 degrees 19 minutes 55 seconds W 103.30 feet to a half inch iron re-bar set prior survey found in concrete (disturbed), thence S 21 degrees 01 minute 58 seconds W

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GALLATIN PLANNING
& DESIGN

PC 0260-14

EXHIBIT B

ATTACHMENT 3-2

193.11 feet to a half inch iron re-bar set prior survey in the west line of the Cairo Landing Subdivision - Phase Two (P.B. 23 P. 20) - Owner - the Cairo Landing Phase 2 Homeowners' Association, Inc. (R.B. 2984 P. 113) at the northeast corner of Lot 2 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Edward T. White (R.B. 3266 P. 757), thence running and cornering with the northern line of Lot 2 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Edward T. White (R.B. 3266 P. 757) for the next two calls: N 20 degrees 21 minutes 05 seconds W 200.71 feet to a half inch iron re-bar set prior survey, thence N 74 degrees 08 minutes 11 seconds W 128.35 feet to a half inch iron re-bar set prior survey at the northwest corner of Lot 2 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Edward T. White (R.B. 3266 P. 757) with the northeast corner of Lot 1 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Timothy H. Smith, II, et ux (R.B. 2691 P. 623), thence running and cornering with Lot 1 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Timothy H. Smith, II, et ux (R.B. 2691 P. 623) for the next three calls: N 51 degrees 43 minutes 37 seconds W 125.72 feet to a half inch iron re-bar set prior survey, thence N 74 degrees 08 minutes 11 seconds W 80.00 feet to a half inch iron re-bar set prior survey, thence S 12 degrees 42 minutes 55 seconds W 317.89 feet to a half inch iron re-bar set prior survey on the north right-of-way of Cairo Road, being found 24.50 feet from the existing centerline of said road at the southwest corner of Lot 1 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Timothy H. Smith, II, et ux (R.B. 2691 P. 623), thence running with the northern right-of-way of Cairo Road N 57 degrees 23 minutes 56 seconds W 174.59 feet to the beginning, containing 20.84 acres more or less.....

Surveyor's Notes: (1) A Major Portion of the above described tract is located in Flood Hazard Zones AE & X. (2) Subject to a Sewer Line crossing through the tract and any easements or rights-of-ways associated with said sewer line. (3) Subject to any rights-of-ways, easements, liens, encroachments, leases, etc. that exist and still apply to said property.

The above described tract being all of the tract of land conveyed to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, from Raymond Keith Brown and Morgan Lee Brown of record in Record Book 3752 Pages 416-418, all of the tract of land deeded to Henry Holleman and Leon Strong and Betty Strong from Kyle McMahon, Douglas L. McMahon, Jack B. McMahon, and Jill Writesman of record in Record Book 2030 Pages 283-286 - in Record Book 3286 Pages 509-512 - See Tract 2, Betty Strong - See Will Book 74 Page 531 for further information - conveyed her interest to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, and the remainder of the tract of land deeded to Henry Holleman and Leon Strong and Betty Strong from Joy McMahon of record in Record Book 2030 Pages 287-290 - in Record Book 3286 Pages 509-512 - See Tract 1, Betty Strong - See Will Book 74 Page 531 for further information - conveyed her interest to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, all references to Record Books being in the Office of the Register for Sumner County, Tennessee and to Will Books being in the Office of the Circuit Court Clerk for Sumner County, Tennessee.

Tax Map Reference: Map 127 All of Parcels 5.00, 5.07, and 5.08

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GALLATIN PLANNING
& ZONING

Page 2 of 2

Richard A. Bence
1/27/2014

A RESOLUTION OF THE CITY OF GALLATIN MUNICIPAL REGIONAL PLANNING COMMISSION RESOLUTION RECOMMENDING APPROVAL OF AN ANNEXATION ORDINANCE NO. 01403-13 AND A PLAN OF SERVICE ORDINANCE NO. 01404-19 TO THE GALLATIN CITY COUNCIL – PC0259-14

WHEREAS, the owner of property of the affected area has submitted a petition to annex 20.84 (+/-) acres located adjacent to and substantially contiguous to the City of Gallatin city limits and located in the City of Gallatin Planning Region; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the annexation petition submitted by the applicant, Rogers Engineering Group, at its regular meeting on March 24, 2014; and

WHEREAS, the Planning Commission, acting as the Planning agency for the municipality, has made study of and a report on a Plan of Service for 20.84 (+/-) acres proposed for annexation to the City Council as authorized under Title 6, Sec. 6-51-107, T.C.A.,

WHEREAS, Tennessee Code Annotated, Title 6, Chapter 6, Section 6-51-102 requires a Plan of Services be adopted upon annexation of territory into the City, and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Planning Commission Staff Report, and evidence and testimony presented during a public meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to T.C.A. Title 6, Chapter 51 and Title 13, Chapter 33 and Chapter 4, § 13-3-104, 13-3-301 and 13-4-103, 6-51-102(b), 6-51-102(b)(4), and 6-51-107

1. The City of Gallatin Municipal-Regional Planning Commission deems it necessary and reasonable to annex the territory described here in; and
2. The proposed Plan of Service is in agreement and consistent with the recommendations of the General Development and Transportation Plan for the area.
3. The City is not in default on any existing as adopted plan of services. (T.C.A. 65-51-102(b)(5))
4. It has been determined that there will not be an adverse effect upon adjoining property owners by annexation or implementing the Plan of Services or any such adverse effect can be justified by the public good or welfare.

5. It has been determined that no one (1) property owner or small group of property owners will benefit materially from the annexation and plan of services to the detriment of the general public.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission as authorized by Title 6, Sec. 6-~~5~~102(b)(4) hereby recommends approval of the Annexation Ordinance No. O1403-13(Exhibit 'A') and the Plan of Service Ordinance No.O1404-19 (Exhibit 'B') to the Gallatin City Council.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.


IT IS SO ORDERED.

PRESENT AND VOTING

AYE: 7

NAY: 0

DATED: 3/24/2014


Dick Dempsey, Chairman


Johnny Wilson, Secretary

APPROVED AS TO FORM:


JOE H. THOMPSON
CITY ATTORNEY

Exhibit A – Annexation Ordinance No. O1403-13
Exhibit B – Plan of Service Ordinance No. O1404-19



City of Gallatin, Tennessee

Planning Department

**Gallatin Municipal-Regional Planning Commission
ACTION FORM**

DATE: March 25, 2014

TO: Mr. Andy Leath
Rogers Engineering Group
114B West Main Street
Gallatin, TN 37066

FROM: Planning Department

RE: March 24, 2014, Gallatin Municipal-Regional Planning Commission Meeting
Cairo Estates, Phase 3, Annexation File: PC0259-14

At the above referenced meeting, the request for annexation and plan of service was:

- ☒ RECOMMENDED
☐ RECOMMENDED WITH CONDITIONS
☐ NOT RECOMMENDED
☐ DEFERRED

Approval contains the following requirements:

- ☒ COUNCIL SUBMITTAL
- ☒ CITY COUNCIL APPROVAL
- Council Committee: 4/8/14
 - 1st Reading at City Council: 4/15/14
 - Ad runs for Public Hearing by Codes/Planning Department: 4/17/14
 - Public Hearing 5/6/14
 - 2nd Reading at City Council: 5/20/14

cc: PC File PC0259-14
Mr. Henry Holleman

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

APRIL 8, 2014

DEPARTMENT: PLANNING DEPARTMENT

AGENDA # 6

SUBJECT:

Ordinance No. O1403-13 of the City of Gallatin, Sumner County, Tennessee, annexing 20.84 (+/-) acres, located east of Airport Road and north of Cairo Road. (PC259-14)

SUMMARY:

Applicant requests the annexation of three (3) parcels (Tax Map 127 and Parcels 005.00, 005.07, and 005.08) containing 20.84 (+/-) acres, located east of Airport Road and north of Cairo Road. The Gallatin Municipal-Regional Planning Commission recommended approval at the March 24, 2014 Planning Commission Meeting.

RECOMMENDATION:

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☒ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

PUBLIC HEARING: MAY 6, 2014

2ND READING: MAY 20, 2014

ORDINANCE NO. 01404-19

ORDINANCE ADOPTING A PLAN OF SERVICE FOR THE ANNEXATION OF THREE (3) PARCELS (TAX MAP 127 AND PARCELS 005.00, 005.07, AND 005.08) CONTAINING 20.84 (+/-) ACRES, LOCATED EAST OF AIRPORT ROAD AND NORTH OF CAIRO ROAD.

WHEREAS, the City of Gallatin received a petition by a property owner for the annexation of 20.84 (+/-) acres contiguous to the City; and

WHEREAS, the area proposed for annexation to the City of Gallatin is substantially contiguous to the corporate limits to the City and within the City's Urban Growth Boundary, as required by law; and

WHEREAS, Tennessee Code Annotated Section 6-51-102(b) as amended requires that a Plan of Service be adopted by the governing body of a City prior to the passage of an annexation ordinance; and,

WHEREAS, the Gallatin Municipal-Regional Planning Commission, pursuant to T.C.A. 6-51-102(b)(4), 6-5-107, 13-3-104, 13-3-301, and 13-4-103 has reviewed and recommended approval of this Plan of Service, as contained in this ordinance, in GMRPC Resolution 2014-24.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, AS FOLLOWS:

SECTION 1. Pursuant to the provisions of Section 6-51-102, Tennessee Code Annotated, there is hereby adopted, for the area bounded as described in Exhibit 'A' and the Plan of Service described in Exhibit 'B':

SECTION 2. This Ordinance shall be effective April 24, 2014, the public welfare requiring such.

PASSED FIRST READING: April 15, 2014.

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

Exhibit 'A' – Legal Description and Annexation Exhibit
Exhibit 'B' – Plan of Service

EXHIBIT A**ATTACHMENT 3-2****DESCRIPTION OF THE HENRY HOLLEMAN PROPERTY:
20.84 ACRE TRACT**

The property described herein is located in the 2nd Civil District of Sumner County, Tennessee; situated on the northern side of Cairo Road approximately 0.3 mile easterly of the intersection with Airport Road adjoining the City Limits of Gallatin, Tennessee; being known as Job Number 13031T as described by a survey performed by Richard D. Graves, Tennessee Registered Land Surveyor Number 1628, on the 27th day of January, 2014 in detail as follows:

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PC 0260-14

EXHIBIT A

ATTACHMENT 3-2

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Surveyor's Notes: (1) A Major Portion of the above described tract is located in Flood Hazard Zones AE & X. (2) Subject to a Sewer Line crossing through the tract and any easements or rights-of-ways associated with said sewer line. (3) Subject to any rights-of-ways, easements, liens, encroachments, leases, etc. that exist and still apply to said property.

The above described tract being all of the tract of land conveyed to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, from Raymond Keith Brown and Morgan Lee Brown of record in Record Book 3752 Pages 416-418, all of the tract of land deeded to Henry Holleman and Leon Strong and Betty Strong from Kyle McMahon, Douglas L. McMahon, Jack B. McMahon, and Jill Writesman of record in Record Book 2030 Pages 283-286 - in Record Book 3286 Pages 509-512 - See Tract 2, Betty Strong - See Will Book 74 Page 531 for further information - conveyed her interest to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, and the remainder of the tract of land deeded to Henry Holleman and Leon Strong and Betty Strong from Joy McMahon of record in Record Book 2030 Pages 287-290 - in Record Book 3286 Pages 509-512 - See Tract 1, Betty Strong - See Will Book 74 Page 531 for further information - conveyed her interest to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, all references to Record Books being in the Office of the Register for Sumner County, Tennessee and to Will Books being in the Office of the Circuit Court Clerk for Sumner County, Tennessee.

Tax Map Reference: Map 127 All of Parcels 5.00, 5.07, and 5.08

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Page 2 of 2

Revised A. B. B. B.
1/27/2014

PAASLON-14

**EXHIBIT B
PLAN OF SERVICE FOR CAIRO ESTATES (PC0259-14)**

A. Water

Water service in the annexation area will be provided by Gallatin Public Utilities (GPU). There is a six (6) inch GPU water line located within Cairo Road, which is adjacent to the proposed entrance of this development.

Gallatin Public Utilities has indicated that:

- The existing utility infrastructure will support this proposed annexation. Detailed plans and specifications for extending water and sanitary sewer to this development must be submitted for review and approval.
- Additional water and/or sanitary sewer capacity may be needed to serve the annexation property and development. Upon receipt of detailed plans and specifications for water and sewer installations and hydraulic calculations. Specific facility needs cannot be determined. The developer of the properties should be responsible for extending municipal water lines to the property upon or prior to development.

B. Sanitary Sewer

Sanitary sewer service in the annexation area will be provided by Gallatin Public Utilities (GPU). There is a 12 inch sanitary sewer line located along Albright Creek, which bisects this property between the proposed Phase 2 and 3.

Gallatin Public Utilities has indicated that:

- The existing utility infrastructure will support this proposed annexation. Detailed plans and specifications for extending water and sanitary sewer to this development must be submitted for review and approval.
- Additional water and/or sanitary sewer capacity may be needed to serve the annexation property and development. Upon receipt of detailed plans and specifications for water and sewer installations and hydraulic calculations. Specific facility needs cannot be determined. The developer of the properties should be responsible for extending municipal water lines to the property upon or prior to development.

C. Street Construction and Maintenance

Approximately 2,660 linear feet of new roadways are proposed within Cairo Estates. The streets in the annexation area will be maintained by the City of Gallatin upon request from the property owner for the City of Gallatin to accept the roads.

EXHIBIT B

D. Solid Waste and Refuse Collection

Upon annexation, the City of Gallatin will begin the collection of solid waste in the annexation area based on the provisions set forth in the Gallatin Municipal Code.

E. Planning and Zoning Services

Upon annexation, the planning and zoning services of the City of Gallatin will continue to be provided in the annexation area.

F. Building Inspections and Code Enforcement Services

Upon annexation, building and code inspection services will continue to be provided by the City of Gallatin.

G. Fire Protection

Present personnel and equipment of the Gallatin Fire Department will provide fire protection on and after the effective date of the annexation. The developer will provide fire hydrants in the annexation area pursuant to NFPA Life Safety Standards as determined by the City's Senior Fire Inspector.

Gallatin Fire Department has indicated that no additional firemen or departmental vehicles will be needed for this annexation/plan of service.

H. Police Protection

Police patrol, response to calls, and other routine police services by the Gallatin Police Department will be provided with existing personnel on and after the effective date of the annexation.

Gallatin Police Department has indicated that:

- No additional police officers will be needed to provide service to this area due to annexation and
- No additional departmental vehicles will be needed.

I. Animal Control

The Public Works Department provides animal control services and enforces the City's animal control ordinances. These services will be available in the annexation area when the annexation becomes effective.

J. Recreational Facilities and Programs

The benefit and use of all recreational facilities and programs provided by the Leisure Services Department will be available on and after the effective date of the annexation. Recreational facilities and programs will be provided with existing personnel, facilities, and resources.

EXHIBIT B

K. Street Lighting and Electric Service

Street lighting will be extended into the annexed area in accordance with existing City policy along with the extension of City electric facilities as provided in T.C.A. Section 6-51-112. Either the City of Gallatin or Cumberland Electric Membership Corporation will provide electrical service to the annexation area.

Gallatin Department of Electricity has indicated that:

- The existing Gallatin Department of Electricity infrastructure will not support this proposed annexation and subsequent development.
- To be served by Gallatin Department of Electricity, the developer must supply route electric service lines, approved by GDE, from either Gregory Drive or Airport Road for access to this development. GDE cannot build an elevated power line along Cairo Road from Airport Road due to FAA restrictions. GDE will have discussions with Cumberland Electric Membership Corporation (CEMC) about serving this development.

The City may negotiate to acquire CEMC lines serving the development after construction or franchise to CEMC the operation of services in the annexation area as provided by T.C.A. Sec. 6-5-112.

L. Gas

The Gallatin Public Utilities Department provides natural gas services to residential, business, and industrial customers in the City of Gallatin and outside the City's corporate limits. The Public Utilities Department will extend natural gas service in the annexation area. Upon extension of gas lines by Gallatin Public Utilities, the City will oversee and monitor such lines.



ITEM 3

STAFF REPORT to CITY COUNCIL

Cairo Estates Annexation and Plan of Service (PC0259-14)

Located East of Airport Road and North of Cairo Road

Date: March 28, 2014

REQUEST: THE OWNER/APPLICANT IS REQUESTING APPROVAL AND RECOMMEND TO THE GALLATIN CITY COUNCIL THE ANNEXATION AND AN ORDINANCE ADOPTING A PLAN OF SERVICE FOR THREE (3) PARCELS (TAX MAP 127 AND PARCELS 005.00, 005.07, AND 005.08), CONTAINING 20.84 (+/-) ACRES, LOCATED EAST OF AIRPORT ROAD AND NORTH OF CAIRO ROAD.

OWNER: HENRY HOLLEMAN

APPLICANT: ROGERS ENGINEERING GROUP (ANDY LEATH, P.E.)

STAFF RECOMMENDATION: RECOMMEND APPROVAL

STAFF CONTACT: KEVIN CHASTINE

PLANNING COMMISSION DATE: MARCH 24, 2014

CITY COUNCIL DATE: APRIL 8, 2014

PROPERTY OVERVIEW:

The owner/applicant is requesting approval of Ordinance O1403-13 for the annexation of and Ordinance O1404-19 adopting a Plan of Service for three (3) parcels (Tax Map 127 and Parcels 005.00, 005.07, and 005.08), containing 20.84 (+/-) acres, located east of Airport Road and north of Cairo Road. This property is currently located within the Gallatin Planning Region. The subject property is located within the City of Gallatin's Urban Growth Boundary and is contiguous to the existing City limits.

A Plan of Service is required by state statute (T.C.A. 6-5-102(6)) to accompany an annexation request. The Planning Commission is required to review the Plan of Service Ordinance and provide a recommendation to the Gallatin City Council as required by T.C.A. Title 6, Chapter 6, Sec. 6-5-102(b)(4). Please refer to Attachment 3-1 for a detailed description of the proposed Plan of Service for this property.

Proposed Development

In addition to the annexation and plan of service, the owner is requesting rezoning from Residential-40 (R40) zone district to Multiple Residential and Office (MRO) zone district to develop a subdivision with 63 One-Family Detached Dwelling lots and approval of a Preliminary Master Development Plan on 20.84 (+/-) acres. (Tax Map 127 and Parcels 005.00, 005.07, and 005.08)

Department of Electricity

During the initial review of the Preliminary Master Development Plan the Gallatin Department of Electricity (GDE) stated that the existing infrastructure would not support this proposed annexation and subsequent development because there were no GDE electric lines in the area. GDE stated they could not install aerial power lines along Cairo Road from Airport Road due to FAA restrictions. The option to circumvent this situation was for the developer to supply a route that would be approved by GDE from either Gregory Drive, to the north of Cairo Estates or for the developer to pay to install the line underground along Cairo Road from Airport Road to the proposed development. GDE is in discussion with Cumberland Electric Membership Corporation (CEMC) regarding CEMC serving this development. CEMC serves the adjacent Cairo Landing subdivision to the east and the existing adjacent single family homes to the south.

Discussions between GDE and CEMC have been ongoing for approximately two (2) weeks, but a final decision has not been reached. The Cairo Estates development will be served by one of these two agencies, but this decision has not been finalized. The City may negotiate to acquire CEMC lines serving the development after construction or franchise to CEMC the operation of services in the annexation area as provided by T.C.A. Sec. 6-5-112. (See Attachment 3-4 and 3-5)

Engineering Division Comments

The Engineering Division reviewed and commented on the site plan. All of the Engineering Division Comments have been satisfied.

Other Departmental Comments

Other City Departments, including Police, Fire, Building Codes, and Public Utilities has reviewed and commented on the Site Plan. All of the Other Departmental Comments have been satisfied.

PLANNING COMMISSION RECOMMENDATION:

After discussion and public comment the Planning Commission recommended approval as indicated in GMRPC Resolution No. 2014-24 (Attachment 3-6) and the Action Form (Attachment 3-7) as required by Article 12, Section 12.02.020, Gallatin Zoning Ordinance.

The Planning Commission and staff recommend approval of Annexation Ordinance No. O1403-13 and Plan of Service Ordinance O1404-19 for the proposed Cairo Estates Subdivision.

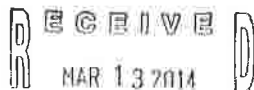
ATTACHMENTS

Attachment 3-1	Cairo Estates Annexation Exhibit
Attachment 3-2	Cairo Estates Legal Description
Attachment 3-3	Draft Plan of Service Ordinance
Attachment 3-4	T.C.A. Sec. 6-51-111(e)
Attachment 3-5	T.C.A. Sec. 6-51-112 and 6-51-112(a)(7)
Attachment 3-6	GMRPC Resolution 2014-24
Attachment 3-7	Action Form for PC0259-14

**DESCRIPTION OF THE HENRY HOLLEMAN PROPERTY:
20.84 ACRE TRACT**

The property described herein is located in the 2nd Civil District of Sumner County, Tennessee; situated on the northern side of Cairo Road approximately 0.3 mile easterly of the intersection with Airport Road adjoining the City Limits of Gallatin, Tennessee; being known as Job Number 13031T as described by a survey performed by Richard D. Graves, Tennessee Registered Land Surveyor Number 1628, on the 27th day of January, 2014 in detail as follows:

Beginning on a five-eighths inch iron re-bar found on the north right-of-way of Cairo Road, being found 28.00 feet from the existing centerline of said road at the southeastern corner of the Sumner County Regional Airport Authority (R.B. 502 P. 70), being the southwestern corner of the herein described tract, thence running with the east line of the Sumner County Regional Airport Authority (R.B. 502 P. 70), Lot 1 of the Ramsey Industrial Center Subdivision - Section Two (P.B. 19 P. 53) - Owner - Joseph C. Merlo (R.B. 1175 P. 268), and Lot 10 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gary H. Branham, et ux (R.B. 3275 P. 552) along the City Limits of Gallatin, Tennessee N 05 degrees 52 minutes 53 seconds E 1,120.77 feet to a half inch iron re-bar found by a corner post in the east line of Lot 10 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gary H. Branham, et ux (R.B. 3275 P. 552) at the southwest corner of the Gregory Real Estate, LLC. Property (R.B. 3278 P. 320), thence running and cornering with the Gregory Real Estate, LLC. Property (R.B. 3278 P. 320), continuing with the City Limits of Gallatin, Tennessee, for the next two calls: S 81 degrees 54 minutes 44 seconds E 298.52 feet to a half inch iron re-bar found by a corner post, thence N 12 degrees 42 minutes 51 seconds E 373.63 feet to a one inch iron pipe found by a corner post at the northeast corner of the Gregory Real Estate, LLC. Property (R.B. 3278 P. 320) in the south line of Lot 11 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gregory Real Estate, LLC. (R.B. 3203 P. 50), thence running with the south line of Lot 11 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gregory Real Estate, LLC. (R.B. 3203 P. 50) S 83 degrees 29 minutes 58 seconds E 514.76 feet (passing through a half inch iron re-bar found at 109.39 feet, leaving the City Limits of Gallatin, Tennessee, and passing through a railroad spike found at 304.43 feet at a Deed/Tract corner of Holleman) to a five-eighths inch iron re-bar found in concrete by a corner post in the south line of Lot 11 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gregory Real Estate, LLC. (R.B. 3203 P. 50) at the northwest corner of the Cairo Landing Subdivision - Phase One (P.B. 22 P. 15) - Owner - the Cairo Landing Phase 1 Homeowners' Association, Inc. (R.B. 2984 P. 160), thence running and cornering with the Cairo Landing Subdivision - Phase One (P.B. 22 P. 15) - Owner - the Cairo Landing Phase 1 Homeowners' Association, Inc. (R.B. 2984 P. 160) for the next three calls: S 06 degrees 02 minutes 05 seconds W 297.63 feet to a half inch iron re-bar found (Darnall RLS 1571), thence S 20 degrees 02 minutes 33 seconds W 153.35 feet to a half inch iron re-bar found (Darnall RLS 1571), thence S 24 degrees 45 minutes 19 seconds W 657.51 feet to a half inch iron re-bar set prior survey at the southwest corner of the Cairo Landing Subdivision - Phase One (P.B. 22 P. 15) - Owner - the Cairo Landing Phase 1 Homeowners' Association, Inc. (R.B. 2984 P. 160) with the northwest corner of the Cairo Landing Subdivision - Phase Two (P.B. 23 P. 20) - Owner - the Cairo Landing Phase 2 Homeowners' Association, Inc. (R.B. 2984 P. 113), thence running and cornering with the Cairo Landing Subdivision - Phase Two (P.B. 23 P. 20) - Owner - the Cairo Landing Phase 2 Homeowners' Association, Inc. (R.B. 2984 P. 113) for the next three calls: S 06 degrees 52 minutes 10 seconds E 167.00 feet to a half inch iron re-bar set prior survey, thence S 05 degrees 19 minutes 55 seconds W 103.30 feet to a half inch iron re-bar set prior survey found in concrete (disturbed), thence S 21 degrees 01 minute 58 seconds W



ATTACHMENT 3-2

193.11 feet to a half inch iron re-bar set prior survey in the west line of the Cairo Landing Subdivision - Phase Two (P.B. 23 P. 20) - Owner - the Cairo Landing Phase 2 Homeowners' Association, Inc. (R.B. 2984 P. 113) at the northeast corner of Lot 2 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Edward T. White (R.B. 3266 P. 757), thence running and cornering with the northern line of Lot 2 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Edward T. White (R.B. 3266 P. 757) for the next two calls: N 20 degrees 21 minutes 05 seconds W 200.71 feet to a half inch iron re-bar set prior survey, thence N 74 degrees 08 minutes 11 seconds W 128.35 feet to a half inch iron re-bar set prior survey at the northwest corner of Lot 2 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Edward T. White (R.B. 3266 P. 757) with the northeast corner of Lot 1 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Timothy H. Smith, II, et ux (R.B. 2691 P. 623), thence running and cornering with Lot 1 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Timothy H. Smith, II, et ux (R.B. 2691 P. 623) for the next three calls: N 51 degrees 43 minutes 37 seconds W 125.72 feet to a half inch iron re-bar set prior survey, thence N 74 degrees 08 minutes 11 seconds W 80.00 feet to a half inch iron re-bar set prior survey, thence S 12 degrees 42 minutes 55 seconds W 317.89 feet to a half inch iron re-bar set prior survey on the north right-of-way of Cairo Road, being found 24.50 feet from the existing centerline of said road at the southwest corner of Lot 1 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Timothy H. Smith, II, et ux (R.B. 2691 P. 623), thence running with the northern right-of-way of Cairo Road N 57 degrees 23 minutes 56 seconds W 174.59 feet to the beginning, containing 20.84 acres more or less.....

Surveyor's Notes: (1) A Major Portion of the above described tract is located in Flood Hazard Zones AE & X. (2) Subject to a Sewer Line crossing through the tract and any easements or rights-of-ways associated with said sewer line. (3) Subject to any rights-of-ways, easements, liens, encroachments, leases, etc. that exist and still apply to said property.

The above described tract being all of the tract of land conveyed to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, from Raymond Keith Brown and Morgan Lee Brown of record in Record Book 3752 Pages 416-418, all of the tract of land deeded to Henry Holleman and Leon Strong and Betty Strong from Kyle McMahon, Douglas L. McMahon, Jack B. McMahon, and Jill Writesman of record in Record Book 2030 Pages 283-286 - in Record Book 3286 Pages 509-512 - See Tract 2, Betty Strong - See Will Book 74 Page 531 for further information - conveyed her interest to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, and the remainder of the tract of land deeded to Henry Holleman and Leon Strong and Betty Strong from Joy McMahon of record in Record Book 2030 Pages 287-290 - in Record Book 3286 Pages 509-512 - See Tract 1, Betty Strong - See Will Book 74 Page 531 for further information - conveyed her interest to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, all references to Record Books being in the Office of the Register for Sumner County, Tennessee and to Will Books being in the Office of the Circuit Court Clerk for Sumner County, Tennessee.

Tax Map Reference: Map 127 All of Parcels 5.00, 5.07, and 5.08

RECEIVED
MAR 13 2014

GALLATIN PLANNING
& ZONING

Page 2 of 2

Revised & Signed
1/27/2014

PC0260-14

ATTACHMENT 3-3

ORDINANCE NO.

ORDINANCE ADOPTING A PLAN OF SERVICE FOR THE ANNEXATION OF THREE (3) PARCELS (TAX MAP 127 AND PARCELS 005.00, 005.07, AND 005.08) CONTAINING 20.84 (+/-) ACRES, LOCATED EAST OF AIRPORT ROAD AND NORTH OF CAIRO ROAD.

WHEREAS, the City of Gallatin received a petition by a property owner for the annexation of 20.84 (+/-) acres contiguous to the City; and

WHEREAS, the area proposed for annexation to the City of Gallatin is substantially contiguous to the corporate limits to the City and within the City's Urban Growth Boundary, as required by law; and

WHEREAS, Tennessee Code Annotated Section 6-51-102(b) as amended requires that a Plan of Service be adopted by the governing body of a City prior to the passage of an annexation ordinance; and,

WHEREAS, the Gallatin Municipal-Regional Planning Commission, pursuant to T.C.A. 6-51-102(b), 6-51-107, 13-3-104, 13-3-301, and 13-4-103 has reviewed and recommended approval of this Plan of Service, as contained in this ordinance, in GMRPC Resolution 2014-24.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, AS FOLLOWS:

SECTION 1. Pursuant to the provisions of Section 6-51-102, Tennessee Code Annotated, there is hereby adopted, for the area bounded as described in Exhibit 'A' and the Plan of Service described in Exhibit 'B':

SECTION 2. This Ordinance shall be effective April 24, 2014, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

ATTACHMENT 3-3

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

Exhibit 'A' – Legal Description and Annexation Exhibit
Exhibit 'B' – Plan of Service

EXHIBIT B PLAN OF SERVICE FOR CAIRO ESTATES (PC0259-14)

A. Water

Water service in the annexation area will be provided by Gallatin Public Utilities (GPU). There is a six (6) inch GPU water line located within Cairo Road, which is adjacent to the proposed entrance of this development.

Gallatin Public Utilities has indicated that:

- The existing utility infrastructure will support this proposed annexation. Detailed plans and specifications for extending water and sanitary sewer to this development must be submitted for review and approval.
- Additional water and/or sanitary sewer capacity may be needed to serve the annexation property and development. Upon receipt of detailed plans and specifications for water and sewer installations and hydraulic calculations. Specific facility needs cannot be determined. The developer of the properties should be responsible for extending municipal water lines to the property upon or prior to development.

B. Sanitary Sewer

Sanitary sewer service in the annexation area will be provided by Gallatin Public Utilities (GPU). There is a 12 inch sanitary sewer line located along Albright Creek, which bisects this property between the proposed Phase 2 and 3.

Gallatin Public Utilities has indicated that:

- The existing utility infrastructure will support this proposed annexation. Detailed plans and specifications for extending water and sanitary sewer to this development must be submitted for review and approval.
- Additional water and/or sanitary sewer capacity may be needed to serve the annexation property and development. Upon receipt of detailed plans and specifications for water and sewer installations and hydraulic calculations. Specific facility needs cannot be determined. The developer of the properties should be responsible for extending municipal water lines to the property upon or prior to development.

C. Street Construction and Maintenance

Approximately 2,660 linear feet of new roadways are proposed within Cairo Estates. The streets in the annexation area will be maintained by the City of Gallatin upon request from the property owner for the City of Gallatin to accept the roads.

D. Solid Waste and Refuse Collection

Upon annexation, the City of Gallatin will begin the collection of solid waste in the annexation area based on the provisions set forth in the Gallatin Municipal Code.

E. Planning and Zoning Services

Upon annexation, the planning and zoning services of the City of Gallatin will continue to be provided in the annexation area.

F. Building Inspections and Code Enforcement Services

Upon annexation, building and code inspection services will continue to be provided by the City of Gallatin.

G. Fire Protection

Present personnel and equipment of the Gallatin Fire Department will provide fire protection on and after the effective date of the annexation. The developer will provide fire hydrants in the annexation area pursuant to NFPA Life Safety Standards as determined by the City's Senior Fire Inspector.

Gallatin Fire Department has indicated that no additional firemen or departmental vehicles will be needed for this annexation/plan of service.

H. Police Protection

Police patrol, response to calls, and other routine police services by the Gallatin Police Department will be provided with existing personnel on and after the effective date of the annexation.

Gallatin Police Department has indicated that:

- No additional police officers will be needed to provide service to this area due to annexation and
- No additional departmental vehicles will be needed.

I. Animal Control

The Public Works Department provides animal control services and enforces the City's animal control ordinances. These services will be available in the annexation area when the annexation becomes effective.

J. Recreational Facilities and Programs

The benefit and use of all recreational facilities and programs provided by the Leisure Services Department will be available on and after the effective date of the annexation. Recreational facilities and programs will be provided with existing personnel, facilities, and resources.

K. Street Lighting and Electric Service

Street lighting will be extended into the annexed area in accordance with existing City policy along with the extension of City electric facilities as provided in T.C.A. Section 6-51-112. Either the City of Gallatin or Cumberland Electric Membership Corporation will provide electrical service to the annexation area.

Gallatin Department of Electricity has indicated that:

- The existing Gallatin Department of Elect city infrastructure will not support this proposed annexation and subsequent development.
- To be served by Gallatin Department of Electricity, the developer must supply route electric service lines, approved by GDE, from either Gregory Drive or Airport Road for access to this development. GDE cannot build an elevated power line along Cairo Road from Airport Road due to FAA restrictions. GDE will have discussions with Cumberland Electric Membership Corporation (CEMC) about serving this development.

The City may negotiate to acquire CEMC lines serving the development after construction or franchise to CEMC the operation of services in the annexation area as provided by T.C.A. Sec. 6-5-112.

L. Gas

The Gallatin Public Utilities Department provides natural gas services to residential, business, and industrial customers in the City of Gallatin and outside the City's corporate limits. The Public Utilities Department will extend natural gas service in the annexation area. Upon extension of gas lines by Gallatin Public Utilities, the City will oversee and monitor such lines.

ATTACHMENT 3-4

Tenn. Code Ann. § 6-51-111

TENNESSEE CODE ANNOTATED
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*** Current through the 2013 Regular Session ***

Title 6 Cities And Towns
Municipal Government Generally
Chapter 51 Change of Municipal Boundaries
Part 1 Annexation

Tenn. Code Ann. § 6-51-111 (2013)

6-51-111. Municipal property and services.

(a) Upon adoption of an annexation ordinance or upon referendum approval of an annexation resolution as provided in this part, an annexing municipality and any affected instrumentality of the state, including, but not limited to, a utility district, sanitary district, school district, or other public service district, shall attempt to reach agreement in writing for allocation and conveyance to the annexing municipality of any or all public functions, rights, duties, property, assets and liabilities of such state instrumentality that justice and reason may require in the circumstances. Any and all agreements entered into before March 8, 1955, relating to annexation shall be preserved. The annexing municipality, if and to the extent that it may choose, shall have the exclusive right to perform or provide municipal and utility functions and services in any territory that it annexes, notwithstanding § 7-82-301 or any other statute, subject, however, to the provisions of this section with respect to electric cooperatives.

(b) Subject to such exclusive right, any such matters upon which the respective parties are not in agreement in writing within sixty (60) days after the operative date of such annexation shall be settled by arbitration with the laws of arbitration of this state effective at the time of submission to the arbitrators, and § 29-5-101(2) shall not apply to any arbitration arising under this part and § 6-51-301. The award so rendered shall be transmitted to the chancery court of the county in which the annexing municipality is situated, and thereupon shall be subject to review in accordance with §§ 29-5-113 -- 29-5-115 and 29-5-118.

(c) (1) If the annexed territory is then being provided with a utility service by a state instrumentality that has outstanding bonds or other obligations payable from the revenues derived from the sale of such utility service, the agreement or arbitration award referred to in subsections (a) and (b) shall also provide that:

(A) The municipality will operate the utility property in such territory and account for the revenues therefrom in such manner as not to impair the obligations of contract with reference to such bonds or other obligations; or

(B) The municipality will assume the operation of the entire utility system of such state instrumentality and the payment of such bonds or other obligations in accordance with their terms.

(2) Such agreement or arbitration award shall fully preserve and protect the contract rights vested in the holders of such outstanding bonds or other obligations.

(d) (1) Notwithstanding the provisions of any law to the contrary, if a private individual or business entity provides utility service within the boundaries of a municipality under the terms of a privilege, franchise, license, or agreement granted or entered into by the municipality, and if the municipality annexes territory that includes the service area of a utility district, then such

ATTACHMENT 3-4

private individual or business entity and the utility district shall attempt to reach agreement in writing for allocation and conveyance to such private individual or business entity of any or all public functions, rights, duties, property, assets, and liabilities of such utility district that justice and reason may require in the circumstances. If an agreement is not reached, then notwithstanding the change of municipal boundaries, the service area of the utility district shall remain unchanged, and such private individual or business entity shall not provide utility service in the service area of the utility district.

(2) Nothing in subdivision (d)(1) shall be construed to diminish the authority of any municipality to annex.

(e) If at the time of annexation, the annexed territory is being provided with utility service by a municipal utility system or other state instrumentality, including but not limited to, a utility district, the annexing municipality shall, by delivering written notice of its election to the municipal utility system or other state instrumentality, have the right to purchase all or any part of the utility system of the municipal utility system or other state instrumentality then providing utility service to the area being annexed that the annexing municipality has elected to serve under this section. The purchase price shall be a price agreed upon by the parties for the properties comprising the utility system, or part thereof, that is being acquired and payment of such purchase price shall be on terms agreed to by the parties. In the event the parties cannot agree on a purchase price, then a final determination of the fair market value of the properties being acquired and all other outstanding issues related to the provision of utility services in the annexed area shall be made using the arbitration provisions of subsection (b); provided, that the arbitrator or arbitrators shall be a person or persons experienced and qualified to value public utility properties and any such arbitrator or arbitrators shall be agreed upon by the parties. If the parties cannot agree, the selection of an arbitrator shall be as otherwise provided by the laws of arbitration of this state. Such method and determination shall be the sole means by which the annexing municipality may acquire the facilities of a municipal utility or other state instrumentality located in the annexed territory.

HISTORY: Acts 1955, ch. 113, § 9; 1957, ch. 381, § 1; 1968, ch. 413, § 1; T.C.A., § 6-318; Acts 1993, ch. 375, § 1; 1998, ch. 586, § 1; 2003, ch. 93, § 1.



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Tenn. Code Ann. § 6-51-112

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*** Current through the 2013 Regular Session ***

Title 6 Cities And Towns
Municipal Government Generally
Chapter 51 Change of Municipal Boundaries
Part 1 Annexation

Tenn. Code Ann. § 6-51-112 (2013)

6-51-112. Electric cooperatives.

(a) Notwithstanding the provisions of any other statute, if the annexing municipality owns and operates its own electric system, it shall either offer to purchase any electric distribution properties and service rights within the annexed area owned by any electric cooperative, or grant such cooperative a franchise to serve the annexed area, as follows:

(1) The municipality shall notify the affected electric cooperative in writing of the boundaries of the annexed area and shall indicate such area on appropriate maps;

(2) The municipality shall offer to purchase the electric distribution properties of the cooperative located within the annexed area, together with all of the cooperative's rights to serve within such area, for a cash consideration, which shall consist of:

(A) The present-day reproduction cost, new, of the facilities being acquired, less depreciation computed on a straight-line basis; plus

(B) An amount equal to the cost of constructing any necessary facilities to reintegrate the system of the cooperative outside the annexed area after detaching the portion to be sold; plus

(C) An annual amount, payable each year for a period of ten (10) years, equal to the sum of:

(i) Twenty-five percent (25%) of the revenues received from power sales to consumers of electric power within the annexed area, except consumers with large industrial power loads greater than three hundred kilowatts (300kW), during the last twelve (12) months preceding the date of the notice provided for in subdivision (a)(1); and

(ii) Fifty percent (50%) of the net revenues, which is gross power sales revenues less wholesale cost of power including facilities rental charge, received from power sales to consumers with large industrial power loads greater than three hundred kilowatts (300kW) within the annexed area during the last twelve (12) months preceding the date of the notice provided for in subdivision (a)(1);

(3) The electric cooperative, within ninety (90) days after receipt of an offer by the annexing municipality to purchase the cooperative's electric distribution properties and service rights within the annexed area, shall signify in writing its acknowledgement of the offer, and the parties shall proceed to act. The annexing municipality shall then be obligated to buy and pay for, and the cooperative shall be obligated to sell to the municipality, such properties and rights free and clear of all mortgage liens and encumbrances for the cash consideration computed and payable as provided in subdivision (a)(2);

(4) The annexing municipality, if it elects not to make the offer to purchase as provided for in subdivisions (a)(1) and (2), shall grant to the cooperative a franchise to serve within the annexed area, for a period of not less than five (5) years, and the municipality shall thereafter renew or extend the franchise or grant new franchises for similar subsequent periods; provided, that upon expiration of any such franchise, the municipality may elect instead to make an offer to buy the cooperative's electric distribution properties and service rights as they then exist in accordance with and subject to the provisions of subdivisions (a)(1) and (2); provided further, that, during the term of any such franchise, the annexing municipality shall be entitled to serve only such electric customers or locations within the annexed area as it served on the date when such annexation became effective;

(5) If any annexing municipality contracts its boundaries so as to exclude from its corporate limits any territory, the cooperative may elect within sixty (60) days thereafter to purchase from such municipality, and such municipality shall thereupon sell and convey to the cooperative, the electric distribution properties and service rights of the municipality in any part of the excluded area that the electric cooperative had previously served, upon the same procedures set forth in subdivisions (a)(1)-(4) for acquisitions by municipalities;

(6) Nothing contained in this section shall prohibit municipalities and any cooperative from buying, selling, or exchanging electric distribution properties, service rights and other rights, property, and assets by mutual agreement;

(7) The territorial areas lying outside municipal boundaries served by municipal and cooperative electric systems will remain the same as generally established by power facilities already in place or legal agreements on March 6, 1968, and new consumers locating in any unserved areas between the respective power systems shall be served by the power system whose facilities were nearest on March 6, 1968, except to the extent that territorial areas are revised in accordance with this section; and

(8) "Electric distribution properties," as used in this section, means all electric lines and facilities used or useful in serving ultimate consumers, but does not include lines and facilities that are necessary for integration and operation of portions of a cooperative's electric system that are located outside the annexed area.

(b) The methods of allocation and conveyance of property and property rights of any electric cooperative to any annexing municipality provided for in subsection (a) shall be exclusively available to such annexing municipality and to such electric cooperative notwithstanding § 7-52-105 or any other title or section of the code in conflict or conflicting herewith.

HISTORY: Acts 1968, ch. 413, §§ 2, 3; T.C.A., § 6-320.

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

APRIL 8, 2014

DEPARTMENT: PLANNING DEPARTMENT

AGENDA # 7

SUBJECT:

Ordinance No. O1404-19 of the City of Gallatin, Sumner County, Tennessee, adopting a Plan of Service for the annexation 20.84 (+/-) acres, located east of Airport Road and north of Cairo Road. (PC259-14)

SUMMARY:

Applicant requests approval of a Plan of Service on three (3) parcels (Tax Map 127 and Parcels 005.00, 005.07, and 005.08) containing 20.84 (+/-) acres, located east of Airport Road and north of Cairo Road. The Gallatin Municipal-Regional Planning Commission recommended approval at the March 24, 2014 Planning Commission Meeting.

RECOMMENDATION:

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☒ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

PUBLIC HEARING: MAY 6, 2014

2ND READING: MAY 20, 2014

ORDINANCE NO. 01403-12

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, REZONING AN APPROXIMATE 20.84 ACRE PARCEL, LOCATED EAST OF AIRPORT ROAD AND NORTH OF CAIRO ROAD FROM LOW DENSITY RESIDENTIAL-40 (R40) ZONING DISTRICT TO THE MULTIPLE RESIDENTIAL AND OFFICE (MRO) ZONING DISTRICT AND APPROVING A PRELIMINARY MASTER DEVELOPMENT PLAN FOR CAIRO ESTATES, AUTHORIZING THE REVISION TO BE INDICATED ON THE OFFICIAL ZONING ATLAS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of property has submitted a complete application to rezone these parcels consisting of 20.84 (+/-) acres located in the City of Gallatin, Tennessee Planning Region; and

WHEREAS, the property to be rezoned is located east of Airport Road and north of Cairo Road and is currently zoned R40; and

WHEREAS, the Gallatin Municipal-Regional Planning Commission has reviewed and recommended approval of the proposed rezoning in GMRPC Resolution 2014-25; and

WHEREAS, a public hearing was held following public notice as prescribed by the Gallatin Zoning Ordinance and 13-7-203 T.C.A.; and

WHEREAS, the City Council has approved by majority vote of the members present the rezoning request of the described property; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE as follows:

Section 1. The City Council of the City of Gallatin does hereby approve rezoning a 20.84(±) acre parcel from the Low Density Residential 40 (R40) Zoning District to the Multiple Residential and Office (MRO) District as described in Exhibit 'A' and approves the Preliminary Master Development Plan as described in Exhibit 'B'.

Section 2. The City Council of the City of Gallatin does hereby approve, authorize and direct the revision of the City's Official Zoning Atlas to show the classification for the area as hereby rezoned.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provision or applications of this

ordinance which can be given without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. This ordinance shall become effective immediately upon adoption.

PASSED FIRST READING: April 15, 2014

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

Exhibit 'A' – Legal Description of the property

Exhibit 'B' - Preliminary Master Development Plan for Cairo Estates with conditions

EXHIBIT ‘A’

[ATTACH LEGAL DESCRIPTION and MAP]

**DESCRIPTION OF THE HENRY HOLLEMAN PROPERTY:
20.84 ACRE TRACT**

The property described herein is located in the 2nd Civil District of Sumner County, Tennessee; situated on the northern side of Cairo Road approximately 0.3 mile easterly of the intersection with Airport Road adjoining the City Limits of Gallatin, Tennessee; being known as Job Number 13031T as described by a survey performed by Richard D. Graves, Tennessee Registered Land Surveyor Number 1628, on the 27th day of January, 2014 in detail as follows:

Beginning on a five-eighths inch iron re-bar found on the north right-of-way of Cairo Road, being found 28.00 feet from the existing centerline of said road at the southeastern corner of the Sumner County Regional Airport Authority (R.B. 502 P. 70), being the southwestern corner of the herein described tract, thence running with the east line of the Sumner County Regional Airport Authority (R.B. 502 P. 70), Lot 1 of the Ramsey Industrial Center Subdivision - Section Two (P.B. 19 P. 53) - Owner - Joseph C. Merlo (R.B. 1175 P. 268), and Lot 10 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gary H. Branham, et ux (R.B. 3275 P. 552) along the City Limits of Gallatin, Tennessee N 05 degrees 52 minutes 53 seconds E 1,120.77 feet to a half inch iron re-bar found by a corner post in the east line of Lot 10 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gary H. Branham, et ux (R.B. 3275 P. 552) at the southwest corner of the Gregory Real Estate, LLC. Property (R.B. 3278 P. 320), thence running and cornering with the Gregory Real Estate, LLC. Property (R.B. 3278 P. 320), continuing with the City Limits of Gallatin, Tennessee, for the next two calls: S 81 degrees 54 minutes 44 seconds E 298.52 feet to a half inch iron re-bar found by a corner post, thence N 12 degrees 42 minutes 51 seconds E 373.63 feet to a one inch iron pipe found by a corner post at the northeast corner of the Gregory Real Estate, LLC. Property (R.B. 3278 P. 320) in the south line of Lot 11 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gregory Real Estate, LLC. (R.B. 3203 P. 50), thence running with the south line of Lot 11 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gregory Real Estate, LLC. (R.B. 3203 P. 50) S 83 degrees 29 minutes 58 seconds E 514.76 feet (passing through a half inch iron re-bar found at 109.39 feet, leaving the City Limits of Gallatin, Tennessee, and passing through a railroad spike found at 304.43 feet at a Deed/Tract corner of Holleman) to a five-eighths inch iron re-bar found in concrete by a corner post in the south line of Lot 11 of the Odrick Gregory Industrial Park Subdivision - Phase Three (P.B. 26 P. 323) - Owner - Gregory Real Estate, LLC. (R.B. 3203 P. 50) at the northwest corner of the Cairo Landing Subdivision - Phase One (P.B. 22 P. 15) - Owner - the Cairo Landing Phase 1 Homeowners' Association, Inc. (R.B. 2984 P. 160), thence running and cornering with the Cairo Landing Subdivision - Phase One (P.B. 22 P. 15) - Owner - the Cairo Landing Phase 1 Homeowners' Association, Inc. (R.B. 2984 P. 160) for the next three calls: S 06 degrees 02 minutes 05 seconds W 297.63 feet to a half inch iron re-bar found (Darnall RLS 1571), thence S 20 degrees 02 minutes 33 seconds W 153.35 feet to a half inch iron re-bar found (Darnall RLS 1571), thence S 24 degrees 45 minutes 19 seconds W 657.51 feet to a half inch iron re-bar set prior survey at the southwest corner of the Cairo Landing Subdivision - Phase One (P.B. 22 P. 15) - Owner - the Cairo Landing Phase 1 Homeowners' Association, Inc. (R.B. 2984 P. 160) with the northwest corner of the Cairo Landing Subdivision - Phase Two (P.B. 23 P. 20) - Owner - the Cairo Landing Phase 2 Homeowners' Association, Inc. (R.B. 2984 P. 113), thence running and cornering with the Cairo Landing Subdivision - Phase Two (P.B. 23 P. 20) - Owner - the Cairo Landing Phase 2 Homeowners' Association, Inc. (R.B. 2984 P. 113) for the next three calls: S 06 degrees 52 minutes 10 seconds E 167.00 feet to a half inch iron re-bar set prior survey, thence S 05 degrees 19 minutes 55 seconds W 103.30 feet to a half inch iron re-bar set prior survey found in concrete (disturbed), thence S 21 degrees 01 minute 58 seconds W

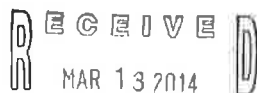


EXHIBIT A

PC 0260-14

193.11 feet to a half inch iron re-bar set prior survey in the west line of the Cairo Landing Subdivision - Phase Two (P.B. 23 P. 20) - Owner - the Cairo Landing Phase 2 Homeowners' Association, Inc. (R.B. 2984 P. 113) at the northeast corner of Lot 2 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Edward T. White (R.B. 3266 P. 757), thence running and cornering with the northern line of Lot 2 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Edward T. White (R.B. 3266 P. 757) for the next two calls: N 20 degrees 21 minutes 05 seconds W 200.71 feet to a half inch iron re-bar set prior survey, thence N 74 degrees 08 minutes 11 seconds W 128.35 feet to a half inch iron re-bar set prior survey at the northwest corner of Lot 2 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Edward T. White (R.B. 3266 P. 757) with the northeast corner of Lot 1 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Timothy H. Smith, II, et ux (R.B. 2691 P. 623), thence running and cornering with Lot 1 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Timothy H. Smith, II, et ux (R.B. 2691 P. 623) for the next three calls: N 51 degrees 43 minutes 37 seconds W 125.72 feet to a half inch iron re-bar set prior survey, thence N 74 degrees 08 minutes 11 seconds W 80.00 feet to a half inch iron re-bar set prior survey, thence S 12 degrees 42 minutes 55 seconds W 317.89 feet to a half inch iron re-bar set prior survey on the north right-of-way of Cairo Road, being found 24.50 feet from the existing centerline of said road at the southwest corner of Lot 1 of the McMahon Acres Subdivision - An Un-recorded Plat - Owner - Timothy H. Smith, II, et ux (R.B. 2691 P. 623), thence running with the northern right-of-way of Cairo Road N 57 degrees 23 minutes 56 seconds W 174.59 feet to the beginning, containing 20.84 acres more or less.....

Surveyor's Notes: (1) A Major Portion of the above described tract is located in Flood Hazard Zones AE & X. (2) Subject to a Sewer Line crossing through the tract and any easements or rights-of-ways associated with said sewer line. (3) Subject to any rights-of-ways, easements, liens, encroachments, leases, etc. that exist and still apply to said property.

The above described tract being all of the tract of land conveyed to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, from Raymond Keith Brown and Morgan Lee Brown of record in Record Book 3752 Pages 416-418, all of the tract of land deeded to Henry Holleman and Leon Strong and Betty Strong from Kyle McMahon, Douglas L. McMahon, Jack B. McMahon, and Jill Writesman of record in Record Book 2030 Pages 283-286 - in Record Book 3286 Pages 509-512 - See Tract 2, Betty Strong - See Will Book 74 Page 531 for further information - conveyed her interest to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, and the remainder of the tract of land deeded to Henry Holleman and Leon Strong and Betty Strong from Joy McMahon of record in Record Book 2030 Pages 287-290 - in Record Book 3286 Pages 509-512 - See Tract 1, Betty Strong - See Will Book 74 Page 531 for further information - conveyed her interest to Henry Holleman for and during his Natural Life and at his death to Morris Holleman, their heirs and assigns, all references to Record Books being in the Office of the Register for Sumner County, Tennessee and to Will Books being in the Office of the Circuit Court Clerk for Sumner County, Tennessee.

Tax Map Reference: Map 127 All of Parcels 5.00, 5.07, and 5.08

RECEIVED
MAR 13 2014

GALLATIN PLANNING
& ZONING

Page 2 of 2

EXHIBIT A

Revised A. B. B. B.
1/27/2014

PC0260-14

EXHIBIT 'B'

The Preliminary Master Development Plan for Cairo Estates consists of a four (4) sheet plan, prepared by Rogers Engineering Group of Gallatin TN, with project No. #14-005, dated February 26, 2014, with a revised date of March 13, 2014, and the architectural renderings for housing types consisting of photographs labeled PC0260-14, dated February 26, 2014. The Plan is approved with the following conditions:

1. The Planning Commission determined that the proposed alternative bufferyard plan meets the requirements in Section 13.04.100.C of the Gallatin Zoning Ordinance and approved the alternative bufferyards.
2. The rezoning and Cairo Estates Preliminary Master Development Plan approval is conditioned on the Planning Commission granting approval of an amendment to the Gallatin on the Move 2020, The General Development and Transportation Plan 2008-2020 Update to change the Airport Road Industrial Special District to Suburban Neighborhood Established Character Area. (This is scheduled to be considered at the April 28th, 2014 Planning Commission meeting.)
3. No homes shall be constructed within the stream buffer, but homes can be built within the floodplain if the finish floor elevation of the home is constructed one (1) foot above the Base Flood Elevation (BFE) for floodplain areas with established BFEs or three (3) foot above the highest adjacent grade for floodplain areas without an established BFE, as required in Section 10.03.070.B.
4. Provide Gallatin Public Utilities with detailed plans, specifications and hydraulic calculations for water and sanitary sewer installations.
5. Establish and label all portions of the development not including lots or proposed right-of-way as open space tract(s) to be owned and maintained by the homeowner's association.
6. The applicant shall work with staff to identify and reserve a corridor for the location of the proposed greenway along Albright Creek as indicated in the Gallatin on the Move 2020 Plan: The General Development and Transportation Plan 2008-2020.



ITEM 5

STAFF REPORT to CITY COUNCIL

Preliminary Master Development Plan and Rezoning for Cairo Estates
(PC0260-14)

Located East of Airport Road and North of Cairo Road

Date: March 28, 2014

REQUEST: OWNER AND APPLICANT REQUESTS REZONING AND APPROVAL OF A PRELIMINARY MASTER DEVELOPMENT PLAN FOR CAIRO ESTATES, ON THREE (3) PARCELS COMPRISING 20.84 (+/-) ACRES, TO CREATE 63 LOT SUBDIVISION, LOCATED EAST OF AIRPORT ROAD AND NORTH OF CAIRO ROAD.

OWNER: HENRY HOLLEMAN

APPLICANT: ROGERS ENGINEERING GROUP (ANDY LEATH, P.E.)

STAFF RECOMMENDATION: RECOMMEND APPROVAL WITH CONDITIONS

STAFF CONTACT: KEVIN CHASTINE

PLANNING COMMISSION DATE: MARCH 24, 2014

CITY COUNCIL DATE: APRIL 8, 2014 (COUNCIL COMMITTEE)

PROPERTY OVERVIEW: The owner and applicant are requesting approval of Ordinance O1403-12 to rezone three (3) parcels comprising 20.84 (+/-) acres (Tax Map 127 and Parcels 005.00, 005.07, and 005.08) from Residential-40 (R40) zone district to Multiple Residential and Office (MRO) zone district and a Preliminary Master Development Plan to create 63 One-Family Detached Dwelling lots. One-Family Detached Dwellings are a permitted use in the MRO zone district. (Attachment 5-1)

CASE BACKGROUND:

Previous Submittals

A rezoning (PC File #3-27-06) and an annexation request (PC File #6-7-06) was submitted for Cairo Landing Phase 3 on October 26, 2006 for a portion of this property (Tax Map and Parcel 127//005.07). The request to rezone 15.025 (+/-) acres from Residential-40 (R40) to Residential-20 Planned Residential Development (R20-PRD) with a Preliminary Master Development Plan to create 27 One-Family Detached Dwelling lots was submitted with the annexation request in 2006. Both the Preliminary Master Development Plan and the Annexation request were withdrawn by the applicant on November 14, 2006. No additional actions have been taken on these submittals.

The Planning Commission approved the Preliminary Master Development Plan under GMRPC Resolution No. 2014-25 on March 24, 2014 (Attachment 5-5).

DISCUSSION:

Proposed Development

The applicant is proposing to rezone 20.84 (+/-) acres from Residential-40 (R40) to Multiple Residential and Office (MRO) and obtain approval of the PMDP to create 63 One-Family Detached Dwelling lots. The subdivision will be developed in three (3) phases with 32 lots in Phase 1, 15 lots in Phase 2, and 16 lots in Phase 3. Of the 63 proposed lots, 52 are between 6,000 and 9,000 square feet in size. The remaining 11 lots vary greatly in size with the largest being 25,023 square feet. The estimated construction schedule is as follows:

- Phase 1 – Begin July 2014 end December 2014
- Phase 2 – Begin October 2014 end March 2015
- Phase 3 – Begin January 2015 end June 2015

Natural Features

The natural topography for the existing vacant farmland slopes from the highest point of elevation (580') located along the west boundary, with a steady and even decline, towards the lowest point of elevation (560') located along the eastern and northern boundaries. The decline in elevation relates to the presence of a stream that runs along the eastern property boundary and dissects the project site between proposed Phase 2 and 3 of the project. There are existing mature trees and other vegetation located along the stream. Based on FEMA FIRM Map 471650318G and 471650319G a large portion of the site along the eastern boundary is located within the Floodway and Zone A and AE of Albright Creek.

Adjacent or Area Uses

The adjacent surrounding area to the north has developed as industrial, to the south is the Sumner Regional Airport runway, to the east is Cairo Landing Subdivision, which contains 49 single family lots, and to the west is vacant property owned by the Sumner Regional Airport Authority. The project site is surrounded by Industrial Restrictive (IR) zoning to the north, Industrial General (IG) zoning to the south, Residential-40 (R40) to the west and Residential-20 Planned Residential Development (R20-PRD) to the east.

Character Area Change Request

The applicant has formally requested a change in the Character Area designation for the Cairo Estates project site. Currently, the *Gallatin On The Move 2020 Plan* designates the project site as part of the Airport Road Industrial Special District Character Area. The applicant is requesting a change to the Suburban Neighborhood Established Character Area. The project site is located between parcels designated as Airport Road Industrial Special District to the north and west and Suburban Neighborhood Established Character Area to the east. The project site is currently zoned Residential-40 (R40) and was zoned this way at the time of the adoption of *2020 Plan*. The Character Area request (PC262-14) will come before the Planning Commission for a consideration at the April 28th, 2014 meeting. The approval of the Cairo Estates Preliminary Master Development Plan and rezoning is conditioned on the Planning Commission granting the Character Area Change from Airport Road Industrial Special District to Suburban Neighborhood Established Character Area.

Sumner County Regional Airport

The proposed Cairo Estates subdivision would be located east of Airport Road and north of Cairo Road. The property located to the south and west of Cairo Estates is owned by the Sumner County Airport Authority. Due to the close proximity of the Sumner County Regional Airport and Article 10.04 Airport Overlay (AO) Zoning District Regulations of the Gallatin Zoning Ordinance, the development was reviewed for potential conflicts with the airport master plan (PC9801-11).

The proposed Cairo Estates subdivision lies outside of the runway approach zone as established in Article 10.04 and it is outside of the Building Restriction Line and Runway Object Free Zone as established by the Sumner County Airport Master Plan. Section 10.04.060.B establishes a maximum height restriction of 150 feet or elevation of 734 feet above mean sea level within the Transitional Zones that radiate out from the Horizontal Zone above the runway. Also, Section 10.04.060.E states, ". . . *nothing shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.*"

The Cairo Estates subdivision is located within the horizontal zone of the Airport Overlay Zone. As proposed no structure or tree will exceed the height restriction of 150 feet or mean sea level of 734. Also, none of the sample architectural elevations show homes that will exceed the 50 feet limit found in Section 10.04.060.E.

Airport Authority chair Jim Egan reviewed the Cairo Estates Preliminary Master Development Plan and will be provided noise level projections (Attachment 5-7) for the owner/developer to review in regards to the potential need of adding noise deadening materials to the proposed homes. This information will be provided to the owner/developer as soon as staff receives it from Mr. Egan.

Architectural Designs

The three (3) sample architectural designs for homes proposed for Cairo Estates range in size from 1,268 square feet to 1,524 square feet. The two (2) smallest of the home designs are one-story in height with front loading garages. The third and largest home design is two-story in height and also has a front loading garage. Two (2) of the home designs have front elevations of brick, while the three (3) other elevations are vinyl. The other home design has vinyl siding on all sides. All three (3) sample architectural designs meet the architectural requirements in Section 13.08.010 of the Gallatin Zoning Ordinance. The Planning Commission approved the architectural designs included as Attachment 5-2, with the understanding that the final architectural designs will be submitted with the Final Master Development Plan for Cairo Estates.

Lot Layout

The requested (MRO) zoning requires a minimum lot size of 6,000 square feet. All lots meet or exceed the required minimum lot size, with the smallest lots meeting the minimum size of 6,000 square feet. There are 20 lots that meet the minimum lot size of 6,000 square feet. Of the 63 proposed lots, 52 are between 6,000 and 9,000 square feet in size. The remaining 11 lots vary greatly in size with the largest being 25,023 square feet.

The lots are designed to accommodate and work with the natural topography of the land to reduce impact of stormwater runoff to each adjoining lots within this phase and adjacent lots to this phase. Phase 1 and 2 are located south of where Albright Creek bisects the property and Phase 3 is located north of Albright Creek. The site layout is dictated by the presence of Albright Creek and the associated floodplain. The development is designed to minimize the impact of the floodplain on potential lots. The floodplain encroaches on just nine (9) lots, with only lots 17 and 18 having any portion of the building envelope encroached upon by the floodplain. Also, Albright Creek is shown with a 60 foot stream buffer, which is larger than the City required 50 foot buffer. The lot layout has kept all but eight (8) lots from being encroached upon by the floodplain of Albright Creek and six (6) lots from being encroached upon by the stream buffer. No homes can be built within the stream buffer, but homes can be built within the floodplain if the finish floor elevation of the home is constructed one (1) foot above the Base Flood Elevation (BFE) for floodplain areas with established BFEs or three (3) foot above the highest adjacent grade for floodplain areas without an established BFE, as required in Section 10.03.070.B.

Rights-of-Way/Streets/Roads

There will be approximately 2,660 linear feet of public right-of-way with the construction of Hayden Lane, Cairo Way, and Hutch Court. Five (5) foot wide sidewalks will be constructed on both sides of all streets as well as along Cairo Road.

The Gallatin on the Move 2020 Plan: The General Development and Transportation Plan 2008-2020 indicates a future greenway located through this project site along Albright Creek. The applicant shall work with staff to identify and reserve a corridor for the location of this future greenway.

Easements (P.U.D.E's)

All lots will include 10 foot wide P.U.D.E's along the front, side, and rear property lines. All easements shall be considered "Public" in accordance with the City of Gallatin Subdivision Regulations.

Stormwater Detention

There are two (2) proposed stormwater detention areas, both of which are located on the eastern portion of the site, within the floodplain area of Albright Creek. The southern detention area is approximately 18,775 square feet and is located along the back of lots 26 through 32. The northern detention area is approximately 20,221 square feet and is located at the back of lots 60 and 61. Due to the topography of the site sloping from west to east towards Albright Creek the stormwater system will include several inlets and outflow points between lots and will be supplemented by grading that will direct the stormwater to the two (2) detention areas. A more detailed drainage plan will be submitted with construction drawings and with the Final Master Development Plan for each phase.

Open Space and Bufferyard

The Preliminary Master Development Plan shows no proposed open space tracts. However, the areas not included as lots or streets should be designated as open space tracts, including the detention ponds. This area comprises the stream buffers, creek, and adjacent lands. Other small areas along Cairo Way could also be designated as open space tracts.

Bufferyards are required to be shown as part of the Preliminary Master Development Plan. These are intended to minimize the potential impacts of the proposed development on the adjacent properties as outlined in Article 13 of the Gallatin Zoning Ordinance. The applicant has submitted a preliminary bufferyard plan, which includes some alternatives to the requirements of the Gallatin Zoning Ordinance.

A Type 35, 40, and 50 Bufferyard is required per Table 13-05 Bufferyard Requirements of the Gallatin Zoning Ordinance. An Alternative Type 35 Bufferyard is proposed on the lots located on the western boundary between lots 13 thru 18 and the northern boundary between lots 48 thru 56. Next, an Alternative Type 40 Bufferyard is proposed along the entirety of the eastern boundary. Finally, an Alternative Type 50 Bufferyard is proposed along the western boundary between lots 1 thru 12 and the entirety of the southern boundary (Lots 19-23).

The applicant could consider including the bufferyards along lots 14 thru 18, lots 56 thru 61, lot 63, and lots 23 thru 33 within the suggested open space tracts.

Due to the heavy existing vegetation on the site and along Albright Creek, the applicant is requesting to utilize some of the existing vegetation as the required bufferyards. The Preliminary Master Development Plan notes that a tree survey will be required with each Final Master Development that is submitted. The applicant has presented two (2) different alternative bufferyard plans to be utilized dependent upon the existing vegetation.

Alternative Bufferyard 'A' will be utilized when sufficient deciduous vegetation *does not* exist. Alternative 'A' provides one (1) large deciduous tree (minimum 2 1/2 inch caliper) planted every 80 feet along with one (1) ornamental tree (minimum 2 1/2 inch caliper) planted equal distance (40 feet) between the large deciduous trees. Also, Alternative 'A' includes six (6) foot tall medium evergreen trees planted on a triangular pattern of 20 feet apart and 10 feet between the rows. All proposed plant material will be planted within a 30 foot wide area.

Alternative Bufferyard 'B' will be utilized when sufficient deciduous vegetation *does* exist. Alternative 'B' provides six (6) foot tall medium evergreen trees planted on a triangular pattern of 20 feet apart and 10 feet between the rows. All proposed plant material will be planted within a 30 foot wide area.

Until a tree survey is completed for the subdivision it is unknown exactly where the Alternative Bufferyard 'A' and Alternative Bufferyard 'B' will be placed. The specific location of each alternative bufferyard will be shown on the Final Master Development Plan for each phase of Cairo Estates.

The Planning Commission approved the Alternative Bufferyard Plan per Section 13.04.100.C of the Gallatin Zoning Ordinance. The Planning Commission determined the alternative landscaping plan is acceptable and meets the intent of the Gallatin Zoning Ordinance.

Department of Electricity

During the initial review of the Preliminary Master Development Plan the Gallatin Department of Electricity stated that the existing Gallatin Electric Department infrastructure would not support this proposed annexation and subsequent development because there was no Gallatin Electric Department lines in the area. The Department stated that they could not build an elevated power line along Cairo Road from Airport Road due to FAA restrictions. The option to circumvent this situation was for the developer to supply a route that would be approved by GDE from either Gregory Drive, to the north of Cairo Estates or for the developer to pay to place the line underground along Cairo Road from Airport Road to the proposed development. Finally, GDE began discussion with Cumberland Electric Membership Corporation (CEMC) regarding CEMC serving this development.

Discussions between GDE and CEMC have been ongoing for approximately four (4) weeks, but a final decision has not been reached. The Cairo Estates development will be served by one of these two agencies, but this decision has not be finalized.

Gallatin Public Utilities Department Comments

This development will be serviced by the Gallatin Public Utilities Department through existing water lines within Cairo Road right-of-way and a sewer line that bisects this property as it extends to the adjacent subdivision, Cairo Landing. The applicant shall coordinate all development with Gallatin Public Utilities Department to ensure all future utility infrastructures are installed to the satisfaction of the Gallatin Public Utilities Department standards. The Gallatin Public Utilities Department reviewed the Preliminary Master Development Plan and made the following comment indicated below:

1. Provide detailed plans and specifications and hydraulic calculation for water and sanitary sewer installations.

Planning Department Comments

The Planning Department reviewed and commented on the Preliminary Master Development Plan. The applicant satisfactorily addressed the Planning Department comments; however the applicant shall comply with the following:

1. No homes shall be constructed within the stream buffer, but homes can be built within the floodplain if the finish floor elevation of the home is constructed one (1) foot above the Base Flood Elevation (BFE) for floodplain areas with established BFEs or three (3) foot above the highest adjacent grade for floodplain areas without an established BFE, as required in Section 10.03.070.B.

Engineering Division Comments

The Engineering Division reviewed and commented on the Preliminary Master Development Plan. The applicant satisfactorily addressed all Engineering Division comments.

FINDINGS:

1. The owner/applicant has submitted a completed application with required attachments to the City requesting the zoning change and Preliminary Master Development Plan approval.
2. The proposed zoning amendment is in general conformance with the general plan of the area subject to amendment of the Character Area from Airport Road Industrial Special District to the Suburban Neighborhood Established Character Area and that the public necessity, convenience, and the general welfare, require the adoption of the proposed amendment.
3. The property proposed for rezoning has adequate public utilities, infrastructure and private or municipal services necessary to serve the existing and proposed development and population permitted by the requested zoning or such necessary services and facilities will be provided upon development of the property.
4. Due public notice of the proposed zoning change has been provided at least fifteen (15) days but no more than thirty (30) days prior to the public hearing and public notice signs have been posted on the property consistent with Section 15.07.060 of the Gallatin Zoning Ordinance.
5. The Gallatin Regional-Municipal Planning Commission held a public meeting and has reviewed and recommended to the City Council action on the proposed rezoning request.
6. The proposed rezoning will be compatible with surrounding environment and will protect the public health, safety and welfare and will not be injurious to other property or improvements in the area in which the property is located.
7. A Preliminary Master Development Plan was submitted with the rezoning application as required by Sections 12.02.010 B. and 15.07.030 of the Gallatin Zoning Ordinance and complies with the twelve (12) standards required of the plan.

PLANNING COMMISSION RECOMMENDATION:

After discussion and public comment the Planning Commission recommended approval as indicated in GMRPC Resolution 2015-25 (Attachment 5-5) and the Action Form (Attachment 5-6) as required by Article 12, Section 12.02.020, Gallatin Zoning Ordinance.

The Planning Commission and staff recommend approval of Ordinance O1403-12, approving the rezoning from Residential-40 (R40) to Multiple Residential and Office (MR[©]) and a Preliminary Master Development Plan for Cairo Estates consisting of a four (4) sheet plan, prepared by Rogers Engineering Group of Gallatin TN, with project No. #14-005 and dated February 26, 2014, with a revised date of March 13, 2014, and the architectural renderings for housing types consisting of existing photographs labeled PC0260-14 dated February 26, 2014 with the following conditions:

1. The Planning Commission determined the proposed alternative bufferyard plan meets the requirements in Section 13.04.100.C of the Gallatin Zoning Ordinance and approval of the alternative bufferyards.
2. The rezoning and Cairo Estates Preliminary Master Development Plan approval is conditioned on the Planning Commission granting approval of an amendment to the Gallatin on the Move 2020, The General Development and Transportation Plan 2008-2020 Update to change the Airport Road Industrial Special District to Suburban Neighborhood Established Character Area. (This is scheduled to be considered at the April 28th, 2014 Planning Commission meeting.)
3. No homes shall be constructed within the stream buffer, but homes can be built within the floodplain if the finish floor elevation of the home is constructed one (1) foot above the Base Flood Elevation (BFE) for floodplain areas with established BFEs or three (3) foot above the highest adjacent grade for floodplain areas without an established BFE, as required in Section 10.03.070.B.
4. Provide Gallatin Public Utilities with detailed plans, specifications and hydraulic calculations for water and sanitary sewer installations.
5. Establish and label all portions of the development not including lots or proposed right-of-way as open space tract(s) to be owned and maintained by the homeowner's association and identify the proposed greenway through the development site.

(The plans shall be amended to comply with the conditions of approval prior to the final staff approval by the City)

ATTACHMENTS

Attachment 5-1	PMDP for Cairo Estates
Attachment 5-2	Architectural Elevations for Cairo Estates
Attachment 5-3	Sumner County Regional Airport Master Plan (PC9801-11)
Attachment 5-4	Draft City Council Ordinance (NO. 1403-12)
Attachment 5-5	GMRPC Resolution 2015-25
Attachment 5-6	Action Form for PC0260-14.
Attachment 5-7	Sumner County Airport Noise Projections

dining with a view



LOWE'S LEGACY SERIES

plan #544-007D-0038

Total living area: 1,524

Width: 38'-0"

Depth: 41'-4"

3 bedrooms

2 1/2 baths

2-car garage

Basement foundation,
drawings also include crawl
space and slab foundations

Price Code B

plan highlights

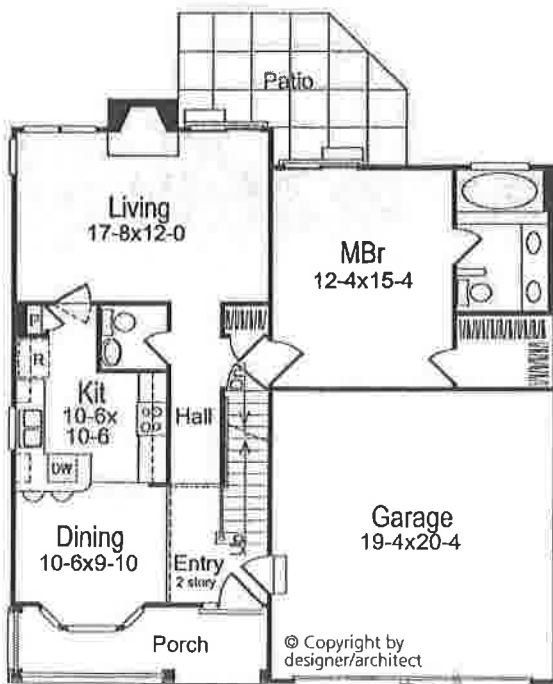
The delightful balcony
overlooks the two-story
entry illuminated by an oval
window

The roomy first floor master
bedroom offers quiet and
privacy

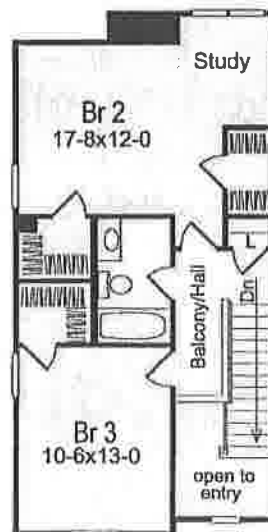
All of the bedrooms feature
one or more walk-in closets

order page 288 or
call 1-877-379-3420

ATTACHMENT 5.2



First Floor
951 sq. ft.



Second Floor
573 sq. ft.

RECEIVED
FEB 26 2014

GALLATHE BUILDING
CLC 21270

design lesson

Hang a large mirror (or
prop it against a wall)
in a small room like the
dining room of this home
to create the illusion of
depth in a small space.
Even small mirrors expand
the sense of space by
reflecting views and light,
but an oversize mirror has
a dramatic effect because
it reflects a large portion
of the room.

PC 0260-14

small home packed with big style



LOWE'S
LEGACY
SERIES

plan #544-121D-0012

Total living area: 1,281

Width: 37'-6"

Depth: 52'-0"

3 bedrooms

2 baths

2-car garage

Basement foundation

Price Code AA

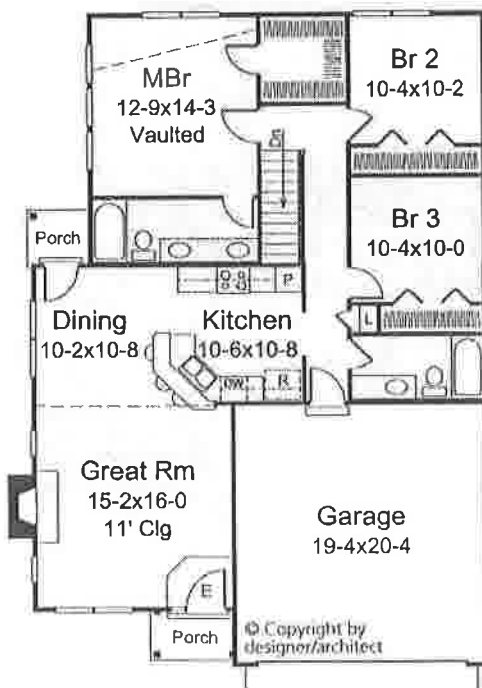
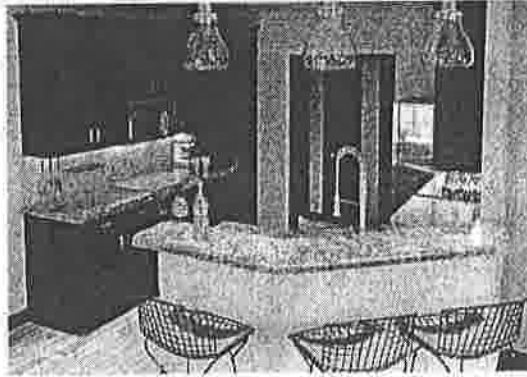
plan highlights

The well-appointed kitchen enjoys an angled raised counter perfect for casual dining

The great room has an 11' ceiling, a fireplace for warmth, and easy access to the breakfast area

The vaulted master bedroom enjoys a sizable walk-in closet and its own private bath

order page 288 or
call 1-877-379-3420



RECEIVED
FEB 26 2014

GALLATIN PLANNING
& ZONING

design lesson

If you're a bit nervous about painting an entire room or even a wall one of the bold colors that is popular right now, then try starting with a furniture piece like a small side chair or coffee table and make it a fun focal point.

PC0260-14

LOWE'S LEGACY SERIES

plan #544-007D-0060

Total living area: 1,268

Width: 38'-8"

Depth: 48'-4"

3 bedrooms

2 baths

2-car garage

Basement foundation,
drawings also include crawl
space and slab foundations

Price Code B

plan highlights

Multiple gables, a large
porch and arched windows
create a classy exterior

This innovative design
provides openness in the
great room, kitchen and the
breakfast area

The secondary bedrooms
have a private hall with a
bath

2" x 6" exterior walls
available, please order
plan #544-007E-0060

order page 288 or
call 1-877-379-3420

RECEIVED
FEB 26 2014

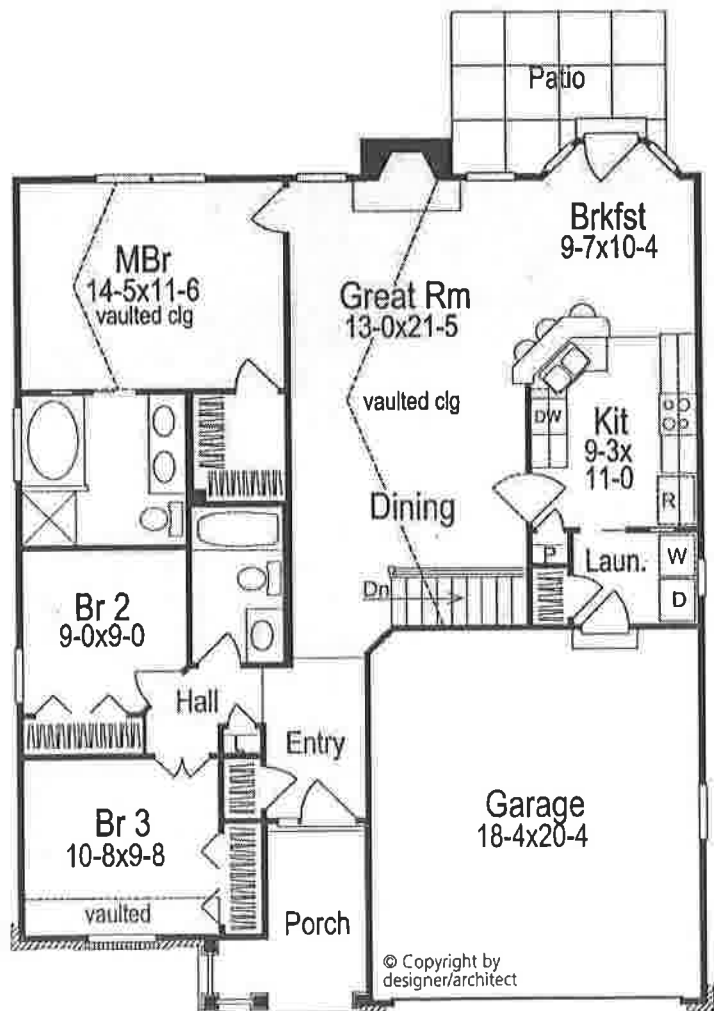
GALLATIN PLANNING
& ZONING

design lesson

A single shelf or a
collection of corner shelves
are surprisingly appealing,
offering an opportunity
to show off collectibles
in an exciting new way.
Plus, they also work well in
more compact homes with
smaller rooms.

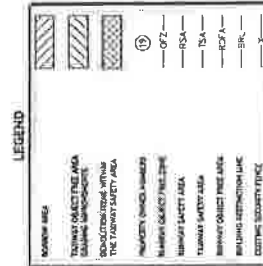
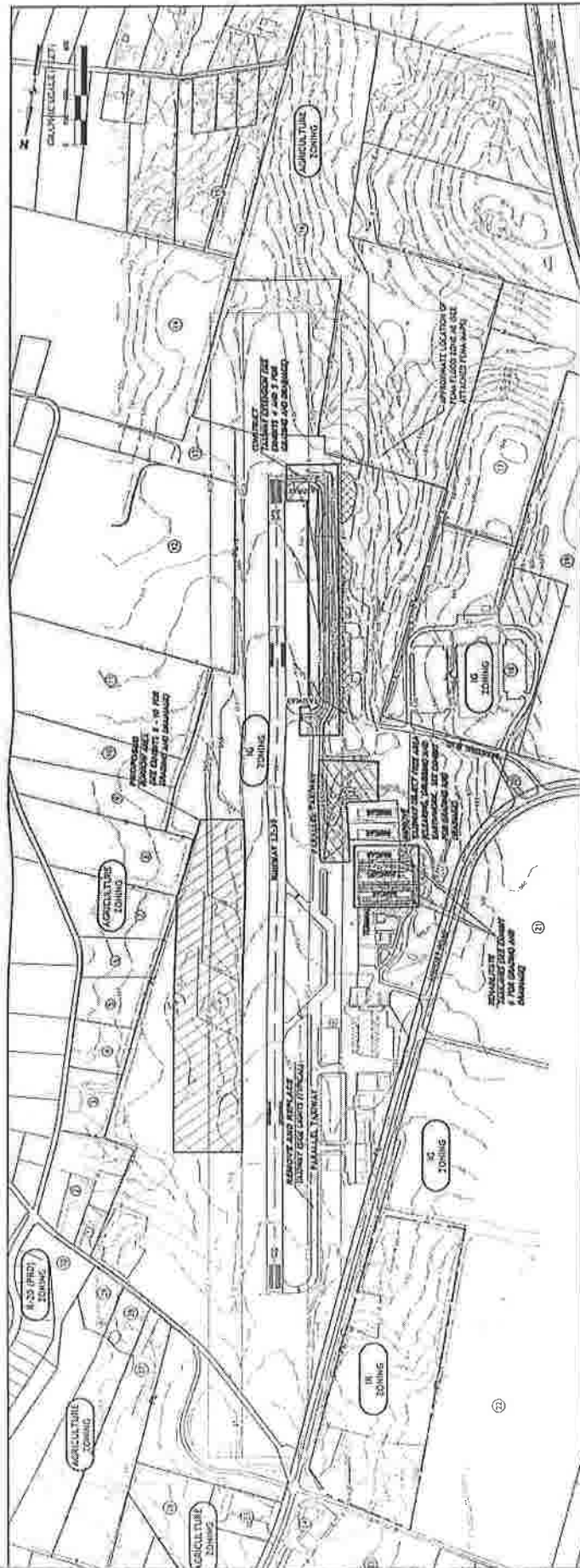
ATTACHMENT 5-2

distinguished styling for a small lot



© Copyright by
designer/architect

PC 0260-14



NO.	OWNER
1	ARMSTRONG, R. W.
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3	ARMSTRONG, R. W.
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- SITE PLAN NOTES**
1. THE PROPOSED AIRPORT DEVELOPMENT IS A PRIVATE DEVELOPMENT AND IS NOT SUBJECT TO THE AIRPORT DEVELOPMENT ACT.
 2. THE PROPOSED AIRPORT DEVELOPMENT IS A PRIVATE DEVELOPMENT AND IS NOT SUBJECT TO THE AIRPORT DEVELOPMENT ACT.
 3. THE PROPOSED AIRPORT DEVELOPMENT IS A PRIVATE DEVELOPMENT AND IS NOT SUBJECT TO THE AIRPORT DEVELOPMENT ACT.
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 10. THE PROPOSED AIRPORT DEVELOPMENT IS A PRIVATE DEVELOPMENT AND IS NOT SUBJECT TO THE AIRPORT DEVELOPMENT ACT.

SITE DATA TABLE	
OWNER	SUMNER COUNTY AIRPORT AUTHORITY
ADDRESS	1000 S. MAIN ST. SUITE 100 SHELBYVILLE, TN 37076
PROPERTY ZONING	AG-1 (AGRICULTURE)
TAX MAP AND PARCEL NUMBER	127 / 52
SITE ADDRESS	1000 S. MAIN ST. SUITE 100 SHELBYVILLE, TN 37076
EXISTING AND PROPOSED USE OF PROPERTY	EXISTING: AIRPORT FACILITY PROPOSED: AIRPORT FACILITY

SUMNER COUNTY REGIONAL AIRPORT
PARALLEL TAXIWAY EXTENSION AND REHABILITATE TAXILANES
EXHIBIT 1
SITE PLAN
04/14/2011

ARMSTRONG
2019 Overlook Blvd. / Suite D-1
Brentwood, TN 37027
PH 615.377.1320 / F 615.377.3630
rwarmstrong.com

DRAFT

ATTACHMENT 5-4

ORDINANCE NO. 01403-12

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, REZONING AN APPROXIMATE 20.84 ACRE PARCEL, LOCATED EAST OF AIRPORT ROAD AND NORTH OF CAIRO ROAD FROM LOW DENSITY RESIDENTIAL-40 (R40) ZONING DISTRICT TO THE MULTIPLE RESIDENTIAL AND OFFICE (MRO) ZONING DISTRICT AND APPROVING A PRELIMINARY MASTER DEVELOPMENT PLAN FOR CAIRO ESTATES, AUTHORIZING THE REVISION TO BE INDICATED ON THE OFFICIAL ZONING ATLAS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of property has submitted a complete application to rezone these parcels consisting of 20.84 (+/-) acres located in the City of Gallatin, Tennessee Planning Region; and

WHEREAS, the property to be rezoned is located east of Airport Road and north of Cairo Road and is currently zoned R40; and

WHEREAS, the Gallatin Municipal-Regional Planning Commission has reviewed and recommended approval of the proposed rezoning in GMRPC Resolution 2014-25; and

WHEREAS, a public hearing was held following public notice as prescribed by the Gallatin Zoning Ordinance and 13-7-203 T.C.A.; and

WHEREAS, the City Council has approved by majority vote of the members present the rezoning request of the described property; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE as follows:

Section 1. The City Council of the City of Gallatin does hereby approve rezoning a 20.84(±) acre parcel from the Low Density Residential 40 (R40) Zoning District to the Multiple Residential and Office (MRO) District as described in Exhibit 'A' and approves the Preliminary Master Development Plan as described in Exhibit 'B'.

Section 2. The City Council of the City of Gallatin does hereby approve, authorize and direct the revision of the City's Official Zoning Atlas to show the classification for the area as hereby rezoned.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provision or applications of this

DRAFT

ATTACHMENT 5-4

Section 5. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provision or applications of this ordinance which can be given without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 6. This ordinance shall become effective immediately upon adoption.

PASSED FIRST READING: [DATE]

PASSED SECOND READING: [DATE]

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

ATTACHMENT 5-5

GMRPC Resolution No. 2014-25

A RESOLUTION OF THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION RECOMMENDING APPROVAL TO GALLATIN CITY COUNCIL OF A REZONING THREE (3) PARCELS CONSISTING OF 20.84 (+/-) ACRES FROM RESIDENTIAL-40 (R40) TO MULTIPLE RESIDENTIAL AND OFFICE (MRO) AND PRELIMINARY MASTER DEVELOPMENT PLAN AND FOR THE CAIRO ESTATES SUBDIVISION LOCATED EAST OF AIRPORT ROAD AND NORTH OF CAIRO ROAD. (PC0260-14)

WHEREAS, The applicant has submitted an application for rezoning and a Preliminary Master Development Plan consistent with Section 12.02.050 of the City of Gallatin Zoning Ordinance, and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the Preliminary Master Development Plan submitted by the applicant, Rogers Engineering Group, at its regular meeting on March 24, 2014; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Planning Commission Staff Report and the evidence and testimony presented during the meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to TCA § 13-7-202 and 13-7-203 and Section 12.02 020 of the City of Gallatin Zoning Ordinance:

1. The proposed rezoning is internally consistent with Gallatin on the Move 2020 General Development and Transportation Plan Update subject to a land use change from the Airport Road Industrial Special District to the Suburban Neighborhood Established Character Area and the Intent and Purpose of the Zoning Ordinance of Gallatin, Tennessee as set forth in Article 1.00, Section 1.03 of said Ordinance. The proposed zoning is consistent with the Suburban Neighborhood Established Character Area assigned to the property.
2. The owner/applicant has submitted a completed application with required attachments to the City requesting the zoning change
3. The proposed zoning amendment is in general conformance with the general plan of the area subject to amendment of the Character Area from Airport Road Industrial Special District to the Suburban Neighborhood Established

ATTACHMENT 5-5

Character Area and that the public necessity, convenience, and the general welfare, require the adoption of the proposed amendment.

4. The property proposed for rezoning has adequate public utilities, infrastructure and private or municipal services necessary to serve the existing and proposed development and population permitted by the requested zoning or such necessary services and facilities will be provided upon development of the property,
5. Due public notice of the proposed zoning change has been provided at least fifteen (15) days but no more than thirty (30) days prior to the public hearing and public notice signs have been posted on the property consistent with Section 15.07.060 of the Gallatin Zoning Ordinance,
6. The Gallatin Regional-Municipal Planning Commission held a public meeting and has reviewed and recommended to the City Council action on the proposed rezoning request,
7. The proposed rezoning will be compatible with surrounding environment and will protect the public health, safety and welfare and will not be injurious to other property or improvements in the area in which the property is located.
8. A Preliminary Master Development Plan was submitted with the rezoning application as required by Sections 12.02.010 B. and 15.07.030 of the Gallatin Zoning Ordinance and complies with the twelve standards required of the plan.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby recommends approval of a rezoning of the subject property from the Residential-40 (R40) district to the Multiple Residential and Office (MRO) district as described in Exhibit 'A' and a Preliminary Master Development Plan for Cairo Estates to Gallatin City Council with the following conditions:

1. The Planning Commission shall determine whether the proposed alternative bufferyard plan meets the requirements in Section 13.04.100.C of the Gallatin Zoning Ordinance and approval of the alternative bufferyards.
2. The rezoning and Cairo Estates Preliminary Master Development Plan approval is conditioned on the Planning Commission granting approval of an amendment to the Gallatin on the Move 2020, The General Development and Transportation Plan 2008-2020 Update to change the Airport Road Industrial Special District to Suburban Neighborhood Established Character Area. (This is scheduled to be considered at the April 28th, 2014 Planning Commission meeting.)
3. No homes shall be constructed within the stream buffer, but homes can be built within the floodplain if the finish floor elevation of the home is

constructed one (1) foot above the Base Flood Elevation (BFE) for floodplain areas with established BFEs or three (3) foot above the highest adjacent grade for floodplain areas without an established BFE, as required in Section 10.03.070.B.

4. Provide Gallatin Public Utilities with detailed plans, specifications and hydraulic calculations for water and sanitary sewer installations.
5. Establish and label all portions of the development not including lots or proposed right-of-way as open space tract(s) to be owned and maintained by the homeowner's association.
6. The applicant shall work with staff to identify and reserve a corridor for the location of the proposed greenway along Albright Creek as indicated in the Gallatin on the Move 2020 Plan: The General Development and Transportation Plan 2008-2020.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

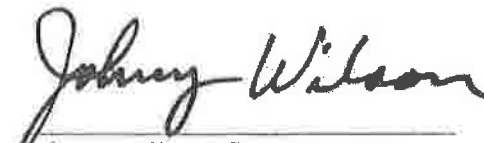
AYE: 7

NAY: 0

DATED: 03/24/2014



Dick Dempsey, Chairman



Johnny Wilson, Secretary

APPROVED AS TO FORM:


JOE H. THOMPSON
CITY ATTORNEY



ATTACHMENT 5-6

City of Gallatin, Tennessee

Planning Department

**Gallatin Municipal-Regional Planning Commission
ACTION FORM**

DATE: March 25, 2014

TO: Mr. Andy Leath
Rogers Engineering Group
114B West Main Street
Gallatin, TN 37066

FROM: Planning Department

RE: March 24, 2014, Gallatin Municipal-Regional Planning Commission Meeting
Cairo Estates, Phase 3, PMDP Rezoning File: PC0260-14

At the above referenced meeting, the request for recommendation of a Preliminary Master Development Plan and Rezoning was:

- ☐ RECOMMENDED
☒ RECOMMENDED WITH CONDITIONS
☐ NOT RECOMMENDED
☐ DEFERRED

Conditions of Approval:

1. The Planning Commission shall determine whether the proposed alternative bufferyard plan meets the requirements in Section 13.04.100.C of the Gallatin Zoning Ordinance and approval of the alternative bufferyards.
2. The rezoning and Cairo Estates Preliminary Master Development Plan approval is conditioned on the Planning Commission granting approval of an amendment to the Gallatin on the Move 2020, The General Development and Transportation Plan 2008-2020 Update to change the Airport Road Industrial Special District to Suburban Neighborhood Established Character Area. (This is scheduled to be considered at the April 28th, 2014 Planning Commission meeting.)
3. No homes shall be constructed within the stream buffer, but homes can be built within the floodplain if the finish floor elevation of the home is constructed one (1) foot above the Base Flood Elevation (BFE) for floodplain areas with established BFEs or three (3) foot above the highest adjacent grade for floodplain areas without an established BFE, as required in Section 10.03.070.B.
4. Provide Gallatin Public Utilities with detailed plans, specifications and hydraulic calculations for water and sanitary sewer installations.



City of Gallatin, Tennessee

Planning Department

5. Establish and label all portions of the development not including lots or proposed right-of-way as open space tract(s) to be owned and maintained by the homeowner's association.
6. The applicant shall work with staff to identify and reserve a corridor for the location of the proposed greenway along Albright Creek as indicated in the Gallatin on the Move 2020 Plan: The General Development and Transportation Plan 2008-2020.

Approval contains the following requirements:

☒ COUNCIL SUBMITTAL

☒ CITY COUNCIL APPROVAL

- Council Committee: 4/8/14
- 1st Reading at City Council: 4/15/14
- Ad runs for Public Hearing by Codes/Planning Department: 4/17/14
- Public Hearing 5/6/14
- 2nd Reading at City Council: 5/20/14

cc: PC File PC0260-14
Mr. Henry Holleman



Legend

- Noise Sensitive Property
- - - Existing Property Line
- Future Property Line
- ▨ DNL Contour (dB)

0 250 500 1,000 Feet

SUMMER COUNTY REGIONAL AIRPORT

ENVIRONMENTAL ASSESSMENT

EXHIBIT 4-4: 2016 BUILD NOISE EXPOSURE

SUMMER COUNTY REGIONAL AIRPORT
1475 AIRPORT ROAD
GALLATIN, TENNESSEE

ARMSTRONG.
9019 Overlook Blvd. Suite D-4
Brentwood, TN 37027
ph 615.377.1320 // fx 615.377.3630
rw@armstrong.com

PC-0260-14

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

APRIL 8, 2014

DEPARTMENT: PLANNING DEPARTMENT

AGENDA # 8

SUBJECT:

Ordinance No. O1403-12 an ordinance of the City of Gallatin, Sumner County, Tennessee, amending the zoning on 20.84(+/-) acres from Residential 40 (R40) zone district to Multiple Residential and Office (MRO) zone district with a Preliminary Master Development Plan.

SUMMARY:

Applicant requests approval to amend the Gallatin Zoning Ordinance to rezone three (3) parcels (Tax Map 127 and Parcels 005.00, 005.07, and 005.08) and approval of a Preliminary Master Development Plan for Cairo Estates, containing 20.84 (+/-) acres, located east of Airport Road and north of Cairo Road. The Gallatin Municipal-Regional Planning Commission recommended approval at the March 24, 2014 Planning Commission Meeting. (PC0260-14)

RECOMMENDATION:

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☒ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

PUBLIC HEARING: MAY 6, 2014

2ND READING: MAY 20, 2014

ORDINANCE NO. 01404-18

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, REAFFIRMING THE MIXED USE (MU) DISTRICT ZONING ON A 30.84 (+/-) ACRE PARCEL (S.B.E. TAX MAP 126//001.00), LOCATED AT THE SOUTHEASTERN CORNER OF THE INTERSECTION OF LONG HOLLOW PIKE AND STATE ROUTE 109 NORTH AND APPROVING A PRELIMINARY MASTER DEVELOPMENT PLAN FOR THE LONG HOLLOW PIKE MIXED USE DEVELOPMENT, AUTHORIZING THE REVISION TO BE INDICATED ON THE OFFICIAL ZONING ATLAS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Gallatin Municipal-Regional Planning Commission, pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance has reviewed and recommended approval in GMRPC Resolution No. 2014-22; and

WHEREAS, notice and public hearing before the Gallatin City Council has or will occur before final passage pursuant to Section 15.07.060 of the Gallatin Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE as follows:

1. The Gallatin City Council hereby concurs with the recommendations of the Gallatin Municipal-Regional Planning Commission and hereby reaffirms the Mixed Use (MU) District Zoning on the property described in Exhibit A and adopts the Preliminary Master Development Plan as described in Exhibit B; and
2. Based upon the recommendation of approval by the Gallatin Municipal-Regional Planning Commission and after public notice and public hearing in compliance with Section 15.07.060 of the Gallatin Zoning Ordinance, the Mixed Use (MU) zoning of the property is reaffirmed and the Preliminary Master Development Plan is approved with the conditions as described in Exhibit B; and
3. The Gallatin City Council does hereby approve, authorize and direct the revision of the City's Official Zoning Atlas in accordance with Section 15.07.080 of the Gallatin Zoning Ordinance, the official zoning map of the City of Gallatin, Tennessee, shall, upon the effective date of this ordinance, be amended to reflect the reaffirmed zoning and approved Preliminary Master Development Plan herein made; and
4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict; and
5. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provision or applications of this ordinance which can be given without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect upon final passage, the public welfare requiring such.

PASSED FIRST READING: April 15, 2014.

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

METES AND BOUNDS DESCRIPTION**GREEN & LITTLE, L.P. PROPERTY, LONG HOLLOW PIKE & HIGHWAY 109**

Land lying in the southeast corner of the intersection of Tennessee Highway 109 and Tennessee Highway 174 (Long Hollow Pike) in the City of Gallatin, Third Civil District, Sumner County, Tennessee. Being part of the land deeded to Green & Little, LLC (now Green & Little, L.P.) by deed recorded in Record book 765, page 768, the Certificate of Merger of Green & Little, LLC, into Green & Little, G.P. being recorded in Record book 1065, page 515, and the Certificate of Merger of Green & Little, G.P. into Green & Little, L.P., being recorded in Record book 2166, page 670, Register's Office of Sumner County (R.O.S.C.), Tennessee, and being more particularly described as follows:

BEGINNING at a concrete right of way monument (old) at the intersection of the east right of way line of said Highway 109 and the south right of way line of said Long Hollow Pike; thence,

1. with said south right of way line of said Long Hollow Pike, S83°44'10"E, a distance of 666.90 feet to a 1/2" iron rod (new) with a cap stamped "TN1571" and "KY3050"; thence,
2. continuing with said south right of way line, S85°24'06"E, a distance of 270.31 feet to a 1/2" iron rod (new) with a cap stamped "TN1571" and "KY3050" on the west line of Lot 1 of the "H.A.T.S. Subdivision" as recorded in Plat book 10, page 364, R.O.S.C., Tennessee; thence,
3. with said west line of said Lot 1, S07°40'48"W, a distance of 322.04 feet to a 1/2" iron rod (old) with a cap stamped "TN1571" and "KY3050"; thence,
4. with the south line of said Lot 1, N82°40'41"E, a distance of 232.63 feet to a 1/2" iron rod (old) with a cap stamped "TN1571" and "KY3050" on the west line of the land deeded to John Counce by deed recorded in Record book 2864, page 535, R.O.S.C., Tennessee; thence,
5. with said west line of said Counce land and with the west line of "Holland Heights, Section 2", as recorded in Plat book 9, page 37, R.O.S.C., Tennessee, S05°09'39"W, a distance of 253.65 feet to a 1/2" iron rod (old) with a cap stamped "TN1571" and "KY3050" at the west end of Mike Street; thence,
6. with the west end of said Mike Street, S14°49'46"W, a distance of 51.02 feet to a 1/2" iron rod (old) with a cap stamped "TN1571" and "KY3050"; thence,
7. continuing with said west line of said "Holland Heights", S16°03'57"E, a distance of 782.42 feet to a 1/2" iron rod (old) with a cap stamped "TN1571" and "KY3050" on the north right of way line of Trail Drive; thence,
8. with said north right of way line of said Trail Drive, S73°56'03"W, a distance of 20.00 feet to a 1/2" iron rod (old) with a cap stamped "TN1571" and "KY3050"; thence,
9. continuing with said west line of said "Holland Heights", S16°03'57"E, a distance of 205.63 feet to an iron pipe (old) on the north line of the CSX Railroad; thence,
10. with said north line of said CSX Railroad, S72°49'58"W, a distance of 508.68 feet to a 1/2" iron rod (old) with a cap stamped "TN1571" and "KY3050" on said east right of way-line of said Highway 109; thence,

with said east right of way line the following eight calls (11 trough 18):

11. N31°11'04"W, a distance of 299.97 feet to a concrete right of way monument (old);
thence,
 12. N34°45'12"W, a distance of 150.22 feet to a concrete right of way monument (old);
thence,
 13. N28°45'08"W, a distance of 299.71 feet to a concrete right of way monument (old);
thence,
 14. N28°44'59"W, a distance of 448.28 feet to a concrete right of way monument (old);
thence,
 15. with a curve to the right, northwesterly an arc length of 161.15 feet, said curve having a
radius of 5644.58 feet, a delta angle of 1°38'09", and a chord of N25°41'45"W, 161.15
feet to a concrete right of way monument (old); thence,
 16. N30°02'59"W, a distance of 149.40 feet to a concrete right of way monument (old);
thence,
 17. N24°01'14"W, a distance of 381.41 feet to a concrete right of way monument (old);
thence,
 18. N20°03'34"E, a distance of 140.81 feet to the POINT OF BEGINNING;
- CONTAINING 1,343,526 square feet 30.843 acres, more or less.

This description was prepared using the "Boundary Survey of the Green & Little, L.P. Property, Long Hollow Pike & Tennessee Highway 109", by Darnall & Associates, dated October 1, 2008 and certified by John T. Darnall, Tennessee RLS #1571.

EXHIBIT A

ORDINANCE NO. O1404-18
EXHIBIT B

EXHIBIT B

The development shall be consistent with the Preliminary Master Development Plan for the Long Hollow Pike Mixed Use Development, consisting of a eight (8) sheet plan, prepared by Lose and Associates, Inc. of Nashville TN, with project No. 10075 and dated February 26, 2014, with a final revised date of April 1, 2014, and including the boundary survey of the Green & Little, L.P. Property, consisting of one (1) sheet plan, prepared by John Darnall Surveying of Gallatin TN, with project No. #10-016 and dated April 15, 2010, with a revised date of March 13, 2014, and including legal description of Green & Little, L.P. Property, consisting of two (2) sheets, prepared by Darnall & Associates, LLC of Gallatin TN, received March 7, 2014 with the following conditions:

1. Planning Commission approved the architectural elevations as submitted.
2. Planning Commission approved the alternative bufferyard plan as submitted.
3. Correct the 10' M.B.S.L. along Long Hollow Pike in future parcel "A" to 20' M.B.S.L. on sheets PMDP.3 and PMDP.4.
4. Correct the 10' M.B.S.L. along the local public streets in future parcels "F" and "G" to 20' M.B.S.L. on sheets PMDP.3 and PMDP.4.
5. Correct 15' width to 20' width in Buffer Yard Type 20 detail on sheet PMDP.4.
6. Submit five (5) corrected and folded copies, one (1) full size and four (4) half-size, of the Preliminary Master Development Plan to the Planning Department.



ITEM 6

STAFF REPORT TO CITY COUNCIL

Preliminary Master Development Plan for Long Hollow Pike Mixed Use Development

(PC0189-13)

Long Hollow Pike and State Route Highway 109

Date: April 1, 2014

PUBLIC COMMENT

REQUEST: OWNER AND APPLICANT REQUESTS APPROVAL REAFFIRMING THE MIXED USE (MU) DISTRICT ZONING ON A 30.84 (+/-) ACRE PARCEL AND APPROVAL OF A PRELIMINARY MASTER DEVELOPMENT PLAN (PMDP) FOR THE LONG HOLLOW PIKE MIXED USE DEVELOPMENT IN ORDER TO DEVELOP A MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PARCELS AND A MULTI-FAMILY DWELLING RESIDENTIAL PARCEL LOCATED AT THE SOUTHEASTERN CORNER OF THE INTERSECTION LONG HOLLOW PIKE AND STATE ROUTE HIGHWAY 109.

OWNER: GREEN AND LITTLE, LLP. (LEE ZOLLER)
APPLICANT: LOSE AND ASSOCIATES, INC. (JAY EVERETT)
STAFF RECOMMENDATION: RECOMMEND APPROVAL WITH CONDITIONS
STAFF CONTACT: ROBERT J. KALISZ
PLANNING COMMISSION DATE: MARCH 24, 2014
CITY COUNCIL DATE: APRIL 8, 2014 (COUNCIL COMMITTEE)

PROPERTY OVERVIEW: The owner and applicant are requesting approval of Ordinance O1404-18 (Attachment 6-1) reaffirming the Mixed Use (MU) District Zoning on a 30.84 (+/-) acre parcel (S.B.E. Tax Map 126//001.00), and a Preliminary Master Development Plan (PMDP) for the Long Hollow Pike Mixed Use Development located at the southeastern intersection of Long Hollow Pike and State Route Highway 109. (Attachment 6-2) The PMDP illustrates the site layout, number and size of future parcels, and architectural elevations and materials. The development contains seven (7) future parcels; one (1) future parcel for multi-family dwelling residential development, and the remaining six (6) future parcels for commercial activities as General Retail Sales and Service, Office, Food Service, and Convenience Sales and Service (with Gas Pumps) on 30.84 (+/-) acres. The Planning Commission recommended approval with conditions.

CASE BACKGROUND:

Previous Approvals

The Planning Commission recommended approval of a rezoning with the Preliminary Master Development Plan for the Green Mixed Use Development on 34.76 (+/-) acres to the Gallatin City Council at the May 20, 2002 meeting with a condition that the applicant

submit a revised boundary survey and legal description for the property. The rezoning from Industrial Restrictive (IR) to Mixed Use (MU) zone district, passed Second Reading at the July 02, 2002 Gallatin City Council meeting.

The previously approved Preliminary Master Development Plan for Green Mixed Use Development consisted of 19.76 (+/-) acres of commercial use and 15.00 (+/-) acres of multi-family residential use. The 34.76 (+/-) acres of development consisted of six (6) future parcels or areas including four (4) commercial outparcels, with no specific uses outlined, located along Long Hollow Pike, one (1) General Retail future parcel consisting of a 124,450 square foot building located directly behind the four (4) commercial outparcels, and located in the rear of the development, one (1) multi-family dwelling residential development future parcel consisting of 192 units.

The Planning Commission approved reaffirming the Mixed Use (MU) District Zoning and the Preliminary Master Development Plan for Long Hollow Pike Mixed Use Development under GMRPC Resolution No. 2014-22 on March 24, 2014 (Attachment 6-3).

DISCUSSION:

Lapse of Approval

Gallatin Zoning Ordinance Section 12.02.040.A, Preliminary Master Development Plan indicates that a Preliminary Master Development Plan shall become void two (2) years after the date of Planning Commission approval unless a Final Master Development Plan (previously referred to as a Final Site Development Plan) for the subject property, or portion thereof, has been approved by the Planning Commission in accordance with Section 12.02.030.

If a Final Master Development Plan has not been approved by the end of this two (2) year period, the owner may not apply for approval of a Final Master Development Plan until the owner requests the Planning Commission review the previously approved Preliminary Master Development Plan and provide the Mayor and Alderman with a recommendation to either: (1) extend the approval of the Preliminary Master Development Plan of the subject property for a period not to exceed two (2) years; (2) revise the Preliminary Master Development Plan in regards to the use, bulk, and/or design standards required of the previous approval; or (3) cancel the approval and impose a new base zoning district on the subject project.

The Planning Commission recommended approval of a new Preliminary Master Development Plan (PMDP) for Long Hollow Pike Mixed Use Development. The new plan includes changes to the site layout, number of future parcels, future parcel sizes, and architectural elevations and materials, and affirms the Mixed Use (MU) zoning on the 30.84 (+/-) acre site.

Natural Features of the Site

The natural topography for the existing vacant land slopes from the highest point of elevation (532') located along the south boundary (CSX Railroad), with a steady and even decline, towards the lowest point of elevation (490') located along the north boundary (Long Hollow Pike). There are existing mature trees located along the majority of the perimeter of

the property with the exception along Highway 109. There is existing vegetation located along the north boundary which is adjacent to the existing stormwater drainage ditch that runs through the two (2) existing box culverts. No portion of this development for Long Hollow Pike Mixed Use Development is located within a flood hazard area.

Adjacent Development and Zoning

The adjacent area to the north and east of the proposed development are established subdivisions zoned Residential R-10. Howard Elementary School is located in close proximity to the east of the proposed development. A portion of the property area to the north, across from Long Hollow Pike, is vacant land zoned Commercial Service (CS) and is part of the Commercial Corridor as outlined in the *Gallatin on the Move 2020 Plan*. Located to the west is State Route Highway 109 and to the south is the CSX Railroad. Beyond State Route Highway 109 is the Long Hollow Golf Course and Village Green Industrial Park and beyond the CSX Railroad are commercial zoned (CS) properties.

Comprehensive Plan Land Use and Policies

The *Gallatin on the Move 2020 Plan* shows this property as part of the Commercial Corridor Character Category. The intent of the commercial corridors is to discourage continuous ribbons of automobile-oriented commercial development, provide sidewalks and more pedestrian-friendly environment, encourage mixed use development, and reflect quality materials and design. The development strategies for the commercial corridors is to establish pedestrian-oriented building setbacks, guide building and site designs, including parking lot configuration and streetscape features, and to find an appropriate balance between residential and commercial uses within mixed use developments. The primary land uses for the commercial corridor are small and large-scale apartments, office, and commercial retail uses.

The Mixed Use (MU) zoning and the Preliminary Master Development Plan for the Long Hollow Pike Mixed Use Development is consistent with the intent, strategies, and land uses as outlined in the *Gallatin on the Move 2020 Plan*.

Proposed Development

The owner and applicant requests approval reaffirming the Mixed Use (MU) zoning on 30.84 (+/-) acres and approval of the Preliminary Master Development Plan (PMDP) for the Long Hollow Pike Mixed Use Development located at the southeastern intersection of Long Hollow Pike and State Route Highway 109. Per Section 12.02.040.A of the Gallatin Zoning Ordinance, the Planning Commission recommended approval of the Preliminary Master Development Plan with conditions.

Access and Traffic Generation

There are two (2) existing access points to this development located off of Long Hollow Pike over two (2) existing box culverts. These access points will become the two (2) main accesses to the development which in turn will become local public streets servicing the future parcels in the development. The western main access point is located approximately 350 feet from the off-ramp of the interchange of Highway 109 and Long Hollow Pike and will provide primarily access to future parcels "D", "E", and "F". The eastern main access point is located approximately 430 feet east of the western access point on Long Hollow Pike and will provide primary access to future parcels "A", "B", "C", and "G". Another local

public street will be located parallel to Long Hollow Pike providing connectivity to the other local public streets and provide additional access to future parcels "F" and "G".

Another minor access point to the development will be the continuation of Mike Street from Holland Heights Subdivision located along the eastern boundary to the eastern local public street. A proposed emergency vehicle access (crash gate) will be located at the northwest corner of future parcel "C" adjacent to the parking lot located in the southwest corner of future parcel "D".

A Traffic Impact Study has been submitted to the Engineering Division for review. The Traffic Impact Study identifies project traffic generation and assignment and outlines the schedule for transportation improvements based upon project trip generation.

Future Parcel Types

The proposed Preliminary Master Development Plan for Long Hollow Pike Mixed Use Development consists of 16.82 (+/-) acres of commercial use and 14.02 (+/-) acres of multi-family residential use. The future parcel uses are clearly identified. The architectural elevations and building materials are submitted with the proposed PMDP which meet the Architectural Character and Compatibility Standards of Section 13.08 of the Gallatin Zoning Ordinance. The proposed building sizes, stories, tenant, square footage of proposed building and proposed use are as follows:

- Parcel A: 1.74 (+/-) acres, one (1) proposed building:
 - one-story, multi-tenant (10), 17,500 s.f.-General Retail Sales and Service
- Parcel B: 3.66 (+/-) acres, two (2) proposed buildings:
 - one-story, multi-tenant (10), 17,500 s.f.-General Retail Sales and Service
 - one-story, multi-tenant (6), 10,500 s.f.-Office
- Parcel C: 14.02 (+/-) acres, 16 proposed buildings and clubhouse:
 - two-story, multi-family dwelling, 192 total dwelling units, 13.69 dwelling units per acre
- Parcel D: 5.82 (+/-) acres, three (3) proposed buildings:
 - two-story, multi-tenant (20), 17,500 s.f.-General Retail Sales and Service and 17,500 s.f. Office
 - two-story, multi-tenant (12), 10,500 s.f.-General Retail Sales and Service and 10,500 s.f.-Office
 - two-story, multi-tenant (12), 10,500 s.f.-General Retail Sales and Service and 10,500 s.f.-Office
- Parcel E: 1.00 (+/-) acres, one (1) proposed building:
 - one-story, single-tenant (1), 9,700 s.f.-General Retail Sales and Service
- Parcel F: 1.74 (+/-) acres, one (1) proposed building:
 - one-story, single-tenant (1), 6,500 s.f.-Food Service
- Parcel G: 1.25 (+/-) acres, one (1) proposed building:
 - one-story, single-tenant (1), 4,000 s.f.-Convenience Sales and Service (with Gas Pumps/20 fueling stations)

Buildings and Architectural Elevations

The owner and applicant have designed the layout of the commercial buildings with pedestrian-oriented building setbacks being closer to the proposed public sidewalks and reflecting quality materials and design.

All of the proposed buildings for the development will mainly consist of brick veneer facades (minimum 70 percent), stone or pre-cast base (exception multi-family residential), E.I.F.S. or brick parapet walls (commercial), and cementitious board located in the dormers and trim package (multi-family residential). The percentage of the materials to be used is illustrated on the architectural elevations. (Attachment 6-2) The owner and applicant has submitted a sample board of material and color which shows the proposed colors to be earth tones complimenting each other into the design of the proposed buildings.

The roofing system for proposed tenant buildings will be a low slope membrane material. The proposed convenience sales and service building will be standing seam metal roof panels. The multi-family residential buildings and clubhouse will use architectural asphalt shingles.

The proposed single-tenant, multi-tenant, and food service buildings are illustrated to be a typical modern design for retail centers. The proposed architectural elevations show the main entrances to the buildings using a typical extended tower facade entry to bring definition to the relative long tenant buildings.

- The one (1) story single tenant building shows one (1) front main entrance and two (2) storefront window systems with three (3) rear covered entrances.
- The one (1) story multi-tenant building (10 tenants) shows four (4) front main entrances with separate front covered entrances for the remaining tenants and rear covered entrances located opposite of the four (4) main entrances. The proposed tenant building also shows the two (2) outside main entrances include side entrance as part of the extended tower facade.
- The two (2) story multi-tenant building shows two (2) front main entrances included with the side entrances with separate front covered entrances for the remaining tenants and rear covered entrances located opposite of the two (2) main entrances.
- The one (1) story multi-tenant building (six (6) tenants) will be familiar to the two (2) story multi-tenant building minus the second story.
- The food service building will be familiar to the one (1) story single tenant with exception of more storefront window systems and no rear public entrance.

The proposed convenience sales and service (with gas pumps) building is illustrated to be a typical one (1) story rectangular shaped building with a hip roof. The main and rear entrance will be a typical aluminum storefront entry system with multiple aluminum storefront window systems located in front and on the sides of the building. The gas pump canopy will be pre-finished metal roof structure with brick veneer on the support columns. The owner and applicant show a gas station logo sign to be located on the front and sides of the canopy. A detailed sign package for the gas station logo needs to be submitted as part of the Final Master Development Plan.

The Planning Commission approved the architectural elevations as submitted, with the understanding that the final architectural elevation will be provided as part of each Final Master Development Plan.

Open Space and Landscaping

The Preliminary Master Development Plan for Long Hollow Pike Mixed Use Development does not identify any open space tracts throughout the proposed development except a detention area located in the northwest corner of the proposed development. The PMDP shows two (2) pocket parks to be located in future parcels "B" and "D" to accommodate public activities and provide improved connectivity from the corners of the local public streets. The PMDP shows landscaping in the pocket parks and detention area. Any future open space tracts might be identified as future parcels develop through the Final Master Development Plan process.

The PMDP includes a conceptual landscaping plan that shows landscaping throughout the proposed development. Bufferyards are required to be shown as part of the Preliminary Master Development Plan. These are intended to minimize the potential impacts of the proposed development on the adjacent properties as outlined in the *Gallatin on the Move 2020 Plan* and Article 13 of the Gallatin Zoning Ordinance. The applicant has submitted a conceptual landscaping and bufferyard plan, which includes some alternatives to the requirements of the Gallatin Zoning Ordinance. (Refer to plan sheet PMDP.4) The conceptual landscaping plan shows the required bufferyards; however, the owner and applicant are requesting alternative bufferyards located along the south (railroad tracks) and west (S.R. 109) boundaries, and the northern portion of the east boundary. The conceptual landscaping plan shows details of the bufferyard types. The owner and applicant stated the amount of required landscaping will not be reduced but the width of the bufferyard is to be reduced to accommodate the proposed development. The conceptual landscaping plan does not indicate any of the existing mature trees to be used towards the required bufferyards. If the owner and applicant wish to incorporate the existing mature trees into the landscaping plan then a detailed tree survey will have to be submitted with each Final Master Development Plan. Detailed landscaping plans will be submitted with each Final Master Development Plan illustrating bufferyards, parking area screening, interior planting areas, and any other required landscaping for the proposed development.

The owner and applicant is requesting approval of an Alternative Bufferyard Plan per Section 13.04.100.C of the Gallatin Zoning Ordinance. The Planning Commission determined the alternative bufferyard plan is acceptable and meets the intent of the Gallatin Zoning Ordinance. The Planning Commission approved the alternative bufferyard plan as submitted.

Parking

The parking requirements are based on the following ratios for the proposed use classifications.

- General Retail Sales and Services, one (1) parking space per 250 square feet, for future parcels "A", "B", "D", and "E"
- Office, one (1) space per 300 square feet, for future parcels "B" and "D"

- Convenience Sales and Service, one (1) space per 100 square feet of gross area, for future parcel "G"
- Multi-Family Residential, two (2) spaces per dwelling unit, for future parcel "C"
- Food Service, one (1) space per four (4) person seating capacity, for future parcel "F".

Based on these ratios, the proposed development is required to provide:

- 333 parking spaces for the retail centers
- 164 parking spaces for the office centers
- 40 parking spaces for the convenience sales and service
- 384 parking spaces for the multi-family apartments
- 71 parking spaces for the food service (seating capacity unknown)
 - The PMDP has noted when food service is submitted in the Final Master Development Plan stage the parking requirements will be established and followed per the Gallatin Zoning Ordinance.
- Total of 1,009 parking spaces required
- Total of 1,033 parking spaces provided

Staff is satisfied that adequate parking is provided for future parcels and complies with the minimum number of required regular parking spaces, including handicapped parking requirements, for each building per G.Z.O., Section 11.03, *Schedule of Off-Street Parking Requirements* and Section 11.07, *Handicapped Parking*.

Drainage and Retention

The applicant has shown the stormwater infrastructure and detention pond on the PMDP. The new site layout channels stormwater runoff into the catch basins located along the local public streets into the proposed detention area located in the northwest corner of the proposed development. The applicant shall provide more detailed information for the detention pond and stormwater infrastructure on the Final Master Development Plan for each of the future parcels.

Signing

The owner and applicant has provided a preliminary design with the PMDP illustrating the proposed freestanding ground signs and noted the freestanding ground signs to be of metal and masonry materials (stone, brick, and/or split-faced block). The PMDP shows one (1) multi-tenant freestanding ground sign, located in future parcel "A" along the local public street, and three (3) single-tenant freestanding ground signs located in front at future parcels "C", "F", and "G". The applicant has not provided a preliminary design for any wall mounted signs with this PMDP, but will be required to submit a detailed sign package for Final Master Development Plans that contain wall mounted signs and freestanding ground signs.

Subdivision Plat

A subdivision plat will be submitted for the dedication of the proposed public streets right-of-way, common area tracts, and any future parcels, five (5) acres or less, to be subdivided or sold from the development.

Planning Department Comments

The Planning Department reviewed and commented on the Preliminary Master Development Plan. The applicant satisfactorily addressed the Planning Department comments; however the applicant shall comply with the following:

1. Correct the rear yard in the residential bulk regulations from “30 feet” to “20 feet” on sheets PMDP.0 and PMDP.3.
2. Correct and add the M.B.S.L.’s and yards to parcels on sheets PMDP.3 and PMDP.4.
3. Remove the “DEVELOPMENT SIGN” wording and arrow from sheet PMDP.3.
4. Correct the “Signage Notes per G.Z.O.13.07.100” to read “Signage Notes per G.Z.O.13.07 Sign Regulations” on sheet PMDP.3.
5. Correct “but in no case shall a single sign face exceed one hundred twenty (120) square feet” to read “but in no case shall a single sign face exceed one hundred (100) square feet” on sheet PMDP.3.
6. Correct the “(1) per lot-no single tenant ground sign permissible with multi-tenant ground signs” to read “(1) per development entrance-no single tenant ground sign permissible with multi-tenant ground signs” in the Multi-Tenant Ground Sign Detail on sheet PMDP.3.
7. Correct CS zoning on the property on the north side of Long Hollow Pike and add IR and CG zoning to the property on the east side of S.R. 109 on sheet PMDP.4.
8. Add a Buffer Yard Type 12 detail and use the landscape description from Buffer Yard Type 25 to sheet PMDP.4.
9. Correct 15’ to 20’ and “sixty feet” to “seventy-five feet” in Buffer Yard Type 20 detail on sheet PMDP.4.

Engineering Division Comments

The Engineering Division reviewed and commented on the Preliminary Master Development Plan and the Traffic Impact Study. Most of the Engineering Division comments have been satisfied; however, the applicant shall be aware that the Traffic Impact Study identifies project traffic generation and assignment and outlines the schedule for transportation improvements based upon project trip generation. Additional traffic review may be requested upon submittals of Final Master Development Plans.

Gallatin Public Utilities Department Comments

This development is serviced by the Gallatin Public Utilities Department. The applicant shall coordinate all development with Gallatin Public Utilities Department to ensure all future utility infrastructures are installed to the satisfaction of the Gallatin Public Utilities Department standards. The Gallatin Public Utilities Department reviewed the Preliminary Master Development Plan and made the following comment indicated below:

1. Submit detailed plans and specifications for water and sanitary sewer to the Gallatin Public Utilities Department for review and approval prior to submittal of final plats.

Other Departmental Comments

Other City Departments reviewed and commented on the Preliminary Master Development Plan. The applicant satisfactorily addressed the Other Departmental Comments.

FINDINGS:

1. The Preliminary Master Development Plan is in agreement and consistent with the intent and recommendations of the Gallatin on the Move 2020 General Development and Transportation Plan for the area, and in particular, the Commercial Corridor Character Area Category.
2. The proposed Preliminary Master Development Plan is consistent with the purpose and intent of the Mixed Use (MU) zone district and complies with the use restrictions, minimum bulk and height regulations, minimum lot dimensions, yard lines and minimum building setback line requirements established in said zone district with conditions.
3. The Preliminary Master Development Plan complies with the Design and Performance Standards of the Gallatin Zoning Ordinance as described in Section 13.02.
4. It has been determined that the legal purposes for which zoning regulations exists have not been contravened.
5. It has been determined that the zoning and Preliminary Master Development Plan will not create adverse effects upon adjoining property owners or any such adverse effect can be mitigated by applying design and performance standards or is justified by the public good or welfare.
6. It has been determined that no one property owner or small group of property owners will benefit materially from the approval to the detriment of the general public.

RECOMMENDATION:

After discussion and public comment the Planning Commission recommended approval as indicated in GMRPC Resolution No. 2014-22 (Attachment 6-3) and the Action Form (Attachment 6-4) as required by Article 12, Section 12.02.020, Gallatin Zoning Ordinance.

The Planning Commission and staff recommend approval of Ordinance O1404-18, reaffirming the Mixed Use (MU) zoning and approval of a Preliminary Master Development Plan (PMDP) for the Long Hollow Pike Mixed Use Development, consisting of a eight (8) sheet plan including architectural elevations, prepared by Lose and Associates, Inc. of Nashville TN, with project No. 10075 and dated February 26, 2014, with a final revised date of April 1, 2014, and including the boundary survey of the Green & Little, L.P. Property, consisting of one (1) sheet plan, prepared by John Darnall Surveying of Gallatin TN, with project No. #10-016 and dated April 15, 2010, with a revised date of March 13, 2014, and including legal description of Green & Little, L.P. Property, consisting of two (2) sheets, prepared by Darnall & Associates, LLC of Gallatin TN, received March 7, 2014 with the following conditions:

1. Planning Commission approves the architectural elevations as submitted.
2. Planning Commission approves the alternative bufferyard plan as submitted.
3. Correct the 10' M.B.S.L. along Long Hollow Pike in future parcel "A" to 20' M.B.S.L. on sheets PMDP.3 and PMDP.4.
4. Correct the 10' M.B.S.L. along the local public streets in future parcels "F" and "G" to 20' M.B.S.L. on sheets PMDP.3 and PMDP.4.
5. Correct 15' width to 20' width in Buffer Yard Type 20 detail on sheet PMDP.4.

6. Submit five (5) corrected and folded copies, one (1) full size and four (4) half-size, of the Preliminary Master Development Plan to the Planning Department.

(The plans shall be amended to comply with the conditions of approval prior to the final staff approval by the City.)

ATTACHMENTS

Attachment 6-1 Draft City Council Ordinance No. O1404-18

Attachment 6-2 Preliminary Master Development Plan with Architectural Elevations

Attachment 6-3 GMRPC Resolution No. 2014-22

Attachment 6-4 GMRPC Action Form dated March 25, 2014

ATTACHMENT 6-3

GMRPC Resolution No. 2014-22

A RESOLUTION OF THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION RECOMMENDING APPROVAL REAFFIRMING THE MIXED USE (MU) DISTRICT ZONING ON A 30.84 (+/-) ACRE PARCEL AND APPROVAL OF A PRELIMINARY MASTER DEVELOPMENT PLAN (PMDP) FOR THE LONG HOLLOW PIKE MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PARCELS AND A MULTI-FAMILY RESIDENTIAL DWELLING PARCEL LOCATED AT THE SOUTHEASTERN CORNER OF THE INTERSECTION LONG HOLLOW PIKE AND STATE ROUTE HIGHWAY 109 -- (PC0189-13)

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the Preliminary Master Development Plan submitted by the applicant, Lose & Associates, Inc., at its regular meeting on March 24, 2014; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff, in the Planning Commission Staff Report, in the Preliminary Master Development Plan and architectural elevations attached hereto as Exhibit A, and the evidence and testimony presented during the meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to T.C.A. §13-7-202, and §13-7-203 and G.Z.O. § 12.02.020:

1. The Preliminary Master Development Plan is in agreement and consistent with the intent and recommendations of the Gallatin on the Move 2020 General Development and Transportation Plan for the area, and in particular, the Commercial Corridor Character Area Category.
2. The proposed Preliminary Master Development Plan is consistent with the purpose and intent of the Mixed Use (MU) zone district and complies with the use restrictions, minimum bulk and height regulations, minimum lot dimensions, yard lines and minimum building setback line requirements established in said zone district with conditions.
3. The Preliminary Master Development Plan complies with the Design and Performance Standards of the Gallatin Zoning Ordinance as described in Section 13.02.
4. It has been determined that the legal purposes for which zoning regulations exists have not been contravened.
5. It has been determined that the zoning and Preliminary Master Development Plan will not create adverse effects upon adjoining property owners or any such adverse effect can be mitigated by applying design and performance standards or is justified by the public good or welfare.

ATTACHMENT 6-3

6. It has been determined that no one property owner or small group of property owners will benefit materially from the approval to the detriment of the general public.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby recommends approval reaffirming the Mixed Use (MU) district zoning and the Preliminary Master Development Plan for the Long Hollow Pike Mixed Use Development consisting of a eight (8) sheet plan, prepared by Lose and Associates, Inc. of Nashville TN, with project No. 10075 and dated February 26, 2014, with a revised date of March 13, 2014, and including the boundary survey of the Green & Little, L.P. Property, consisting of one (1) sheet plan, prepared by John Darnall Surveying of Gallatin TN, with project No. #10-016 and dated April 15, 2010, with a revised date of March 13, 2014, and including legal description of Green & Little, L.P. Property, consisting of two (2) sheets, prepared by Darnall & Associates, LLC of Gallatin TN, received March 7, 2014 with the following conditions:

1. Planning Commission approved the architectural elevations as submitted.
2. Planning Commission approved the alternative bufferyard plan as submitted.
3. Correct the rear yard in the residential bulk regulations from “30 feet” to “20 feet” on sheets PMDP.0 and PMDP.3.
4. Correct and add the M.B.S.L.’s and yards to parcels on sheets PMDP.3 and PMDP.4.
5. Remove the “DEVELOPMENT SIGN” wording and arrow from sheet PMDP.3.
6. Correct the “Signage Notes per G.Z.O.13.07.100” to read “Signage Notes per G.Z.O.13.07 Sign Regulations” on sheet PMDP.3.
7. Correct “but in no case shall a single sign face exceed one hundred twenty (120) square feet” to read “but in no case shall a single sign face exceed one hundred (100) square feet” on sheet PMDP.3.
8. Correct the “(1) per lot-no single tenant ground sign permissible with multi-tenant ground signs” to read “(1) per development entrance-no single tenant ground sign permissible with multi-tenant ground signs” in the Multi-Tenant Ground Sign Detail on sheet PMDP.3.
9. Correct CS zoning on the property on the north side of Long Hollow Pike and add IR and CG zoning to the property on the east side of S.R. 109 on sheet PMDP.4.
10. Add a Buffer Yard Type 12 detail and use the landscape description from Buffer Yard Type 25 to sheet PMDP.4.
11. Correct 15’ to 20’ and “sixty feet” to “seventy-five feet” in Buffer Yard Type 20 detail on sheet PMDP.4.
12. Submit three (3) corrected and folded copies, one (1) full size and two (2) half-size, of the Preliminary Master Development Plan to the Planning Department.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

ATTACHMENT 6-3

IT IS SO ORDERED.

PRESENT AND VOTING

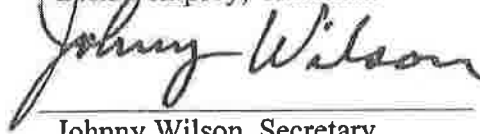
AYE: 7

NAY: 0

DATED: 3/24/14



Dick Dempsey, Chairman



Johnny Wilson, Secretary

APPROVED AS TO FORM:


JOEL N. THOMPSON
CITY ATTORNEY



ATTACHMENT 6-4

City of Gallatin, Tennessee

Planning Department

Gallatin Municipal-Regional Planning Commission ACTION FORM

DATE: March 25, 2014

TO: Mr. Jay Everett
Lose & Associates
1314 5th Avenue North, Suite 200
Nashville, TN 37708

FROM: Planning Department

RE: March 24, 2014, Gallatin Municipal-Regional Planning Commission Meeting
Long Hollow Pike Mixed Use Development, PMDP File: PC0189-13

The request for approval Reaffirming the Mixed Use (MU) District Zoning on 30.84 (+/-) acre parcel and a Preliminary Master Development Plan and was:

- ☐ RECOMMENDED
- ☒ RECOMMENDED WITH CONDITIONS
- ☐ NOT RECOMMENDED
- ☐ DEFERRED

Conditions of Approval:

1. Planning Commission approved the architectural elevations as submitted.
2. Planning Commission approved the alternative bufferyard plan as submitted.
3. Correct the rear yard in the residential bulk regulations from "30 feet" to "20 feet" on sheets PMDP.0 and PMDP.3.
4. Correct and add the M.B.S.L.'s and yards to parcels on sheets PMDP.3 and PMDP.4.
5. Remove the "DEVELOPMENT SIGN" wording and arrow from sheet PMDP.3.
6. Correct the "Signage Notes per G.Z.O.13.07.100" to read "Signage Notes per G.Z.O.13.07 Sign Regulations" on sheet PMDP.3.
7. Correct "but in no case shall a single sign face exceed one hundred twenty (120) square feet" to read "but in no case shall a single sign face exceed one hundred (100) square feet" on sheet PMDP.3.
8. Correct the "(1) per lot-no single tenant ground sign permissible with multi-tenant ground signs" to read "(1) per development entrance-no single tenant ground sign permissible with multi-tenant ground signs" in the Multi-Tenant Ground Sign Detail on sheet PMDP.3.



ATTACHMENT 6-4

City of Gallatin, Tennessee

Planning Department

9. Correct CS zoning on the property on the north side of Long Hollow Pike and add IR and CG zoning to the property on the east side of S.R. 109 on sheet PMDP.4.
10. Add a Buffer Yard Type 12 detail and use the landscape description from Buffer Yard Type 25 to sheet PMDP.4.
11. Correct 15' to 20' and "sixty feet" to "seventy-five feet" in Buffer Yard Type 20 detail on sheet PMDP.4.
12. Submit fifteen (15) corrected and folded copies, one (1) full size and fourteen (14) half-size, of the Preliminary Master Development Plan to the Planning Department by 12:00 p.m. (noon) on Tuesday, April 1, 2014 in order to place this item on April 8, 2014 City Council Committee meeting agenda.

Approval contains the following requirements:

- ☐ NONE
- ☐ BUILDING PERMIT/USE AND OCCUPANCY PERMIT
- ☐ ZONING PERMIT
- ☐ SIGN PERMIT
- ☐ LAND DISTURBANCE PERMIT
- ☐ SIGNAGE CHECK
- ☐ SITE SURETY
- ☐ SUBDIVISION SURETY
- ☐ LIST CONDITIONS OF APPROVAL ON RESUBMITTAL
- ☒ COUNCIL SUBMITTAL
- ☒ SUBMIT 15 CORRECTED, FOLDED COPIES (ONE (1) FULL SIZE AND FOURTEEN (14) HALF SIZE), NO COLORED ARCHITECTURAL ELEVATIONS OR BOUNDARY SURVEY AND LEGAL DESCRIPTION REQUIRED.
- ☒ OTHER: CORRECTED AND FOLDED COPIES TO BE SUBMITTED TO PLANNING DEPARTMENT BY 12:00 P.M. (NOON) ON TUESDAY, APRIL 1, 2014.
- ☒ CITY COUNCIL APPROVAL
 - City Council Committee: April 8, 2014
 - 1ST Reading at City Council: April 15, 2014
 - Public Hearing: May 6, 2014
 - 2nd Reading at City Council: May 20, 2014

cc: PC File PC0189-13
Lee Zoller, Green & Little, LP

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

APRIL 8, 2014

DEPARTMENT: PLANNING DEPARTMENT

AGENDA # 9

SUBJECT:

Ordinance No. O1404-18 an ordinance of the City of Gallatin, Sumner County, Tennessee, reaffirming the Mixed Use (MU) zone district on a 30.84 (+/-) acres parcel and approving a Preliminary Master Development Plan.

SUMMARY:

Applicant requests approval to reaffirm the Mixed Use (MU) district zoning on a 30.84 (+/-) acre parcel (S.B.E. Tax Map 126//001.00), and approving a Preliminary Master Development Plan for Long Hollow Pike Mixed Use Development located at the southeastern corner of the intersection of Long Hollow Pike and State Route 109 North. The Gallatin Municipal-Regional Planning Commission recommended approval at the March 24, 2014 Planning Commission Meeting. (PC0189-13)

RECOMMENDATION:

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☒ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

**ORDINANCE AMENDING THE CITY OF GALLATIN, TENNESSEE CHARTER AS
ESTABLISHED IN CHAPTER 67 OF THE PRIVATE ACTS OF 1953 AND AS
AMENDED THEREAFTER TO ESTABLISH A RAINY DAY FUND**

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, as follows:

1. Chapter 67 of the Private Acts of 1953, as subsequently amended, Article I, Section 1 is amended by adding a new subsection (22) which shall read as follows:

(22) *Rainy Day Fund.* The City Council shall have power to establish a "rainy day" fund in such amounts as it deems appropriate, but in no event less than twenty (20) percent of that fiscal year's operating expenses, excluding any capital purchases. Notwithstanding any provision in Article III, Section 15 of this Charter to the contrary, expenditures from the rainy day fund shall require the affirmative vote of five (5) members of the City Council.

2. This Ordinance shall have no effect unless it shall receive final approval within the time required by law by a two-thirds (2/3) vote of the Gallatin City Council after passage by the Tennessee General Assembly.
3. This Ordinance shall become effective after final passage thereof, the public welfare requiring such.

PASSED FIRST READING: February 19, 2013.

PASSED SECOND READING: _____, 2013.

MAYOR JO ANN GRAVES

APPROVED AS TO FORM:

ATTEST:

CONNIE KITTRELL
CITY RECORDER

JOE H. THOMPSON
CITY ATTORNEY

State of Tennessee



The Secretary of State
State Capitol
Nashville, Tennessee 37243-0305

Tre Hargett
Secretary of State

615-741-2819
Tre.Hargett@tn.gov

April 1, 2014

The Honorable Joe Thompson
City Attorney
132 West Main Street
Gallatin, TN 37066

Dear Mr. Thompson,

Enclosed is a certified copy of Private Chapter 30 relating to the City of Gallatin. This legislation was recently passed by the Tennessee General Assembly.

Pursuant to Tenn. Code Ann. §§8-3-201 and 8-3-202, the local legislative body must send notice to the secretary of state of its action by December 1 of the year of passage by the General Assembly. Please see Section 2 of Private Chapter 30 for instructions on ratification and notice to the secretary. Notification forms are enclosed for your convenience.

Please feel free to contact me at the number above if you have any questions. You may also contact Mr. Cody Ryan York, Director of Publications, at 615-741-2650. We are here to assist you in any way.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Tre Hargett".

Tre Hargett
Secretary of State

cc: Senator Ferrell Haile
Representatives William Lamberth and Terri Lynn Weaver
Jo Ann Graves, Mayor, City of Gallatin
Private Chapter 30 file - Publications

Enclosures



**NOTICE TO
LOCAL LEGISLATIVE BODY OF
LEGISLATIVE ACTION ON
PRIVATE ACT**

Private Chapter No. 30, which is Senate
(House or Senate)
Bill No. 1404, of the 108th General Assembly, was passed on
February 5, 2014.

SECRETARY OF STATE

by: *Joe Hargett*
Division of Publications
312 Rosa L. Parks Avenue
Eighth Floor
Snodgrass Tennessee Tower
Nashville, TN 37243

Pursuant to *T.C.A. 8-3-201* and *8-3-202*, the attached is being provided by the Secretary of State. A two-thirds majority of the local legislative body is required for approval. The presiding officer shall complete the attached form, certify within 30 days of action, and return to the Secretary of State, Publications Division at the given address. In the absence of a deadline in the act, failure to approve by December 1 of the year of passage by the General Assembly will render the act null and void. **TO GUARANTEE PROPER AND TIMELY DELIVERY OF YOUR DOCUMENTS TO THE SECRETARY OF STATE, PUBLICATIONS DIVISION, A COURIER DELIVERY SERVICE IS RECOMMENDED. (Examples: Overnight Postal, Express Postal, Federal Express, etc.)**

cc: Senator Ferrell Haile
Representatives William Lamberth and Terri Lynn Weaver



**NOTICE TO
SECRETARY OF STATE
OF
RATIFICATION OF PRIVATE ACT**

SECRETARY OF STATE
Division of Publications
312 – Rosa L. Parks Avenue
Eighth Floor
Snodgrass Tennessee Tower
Nashville, TN 37243

Private Chapter No. 30, which is Senate
(House or Senate)
Bill No. 1404, of the 108th General Assembly, was:

approved _____
disapproved _____
no action taken _____

Presiding Officer of the Local
Legislative Body

Embossed Seal:
(if applicable)

County or City

Date

State of Tennessee



The Secretary of State
State Capitol
Nashville, Tennessee 37243-0305

Tre Hargett
Secretary of State

615-741-2819
Tre.Hargett@tn.gov

April 1, 2014

The Honorable Jo Ann Graves
Mayor
132 West Main Street
Gallatin, TN 37066

Dear Mayor Graves,

Enclosed is a certified copy of Private Chapter 30 relating to the City of Gallatin. This legislation was recently passed by the Tennessee General Assembly.

Pursuant to Tenn. Code Ann. §§8-3-201 and 8-3-202, the local legislative body must send notice to the secretary of state of its action by December 1 of the year of passage by the General Assembly. Please see Section 2 of Private Chapter 30 for instructions on ratification and notice to the secretary. Notification forms are enclosed for your convenience.

Please feel free to contact me at the number above if you have any questions. You may also contact Mr. Cody Ryan York, Director of Publications, at 615-741-2650. We are here to assist you in any way.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Tre Hargett".

Tre Hargett
Secretary of State

cc: Senator Ferrell Haile
Representatives William Lamberth and Terri Lynn Weaver
Joe Thompson, City Attorney, Gallatin
Private Chapter 30 file - Publications

Enclosures

State of Tennessee



The Secretary of State
State Capitol
Nashville, Tennessee 37243-0305

Tre Hargett
Secretary of State

615-741-2819
Tre.Hargett@tn.gov

April 1, 2014

The Honorable Ferrell Haile
Senator
108th General Assembly
10A Legislative Plaza
Nashville, TN 37243

VIA MESSENGER MAIL

Dear Senator Haile,

Enclosed are copies of correspondence sent to the City of Gallatin concerning Private Chapter 30 which was recently passed by the General Assembly.

These copies are being sent to you for your information only. No action is required on your part.

Thank you for your attention. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tre Hargett".

Tre Hargett
Secretary of State

cc: Private Chapter 30 file - Publications
Enclosures

State of Tennessee



The Secretary of State
State Capitol
Nashville, Tennessee 37243-0305

Tre Hargett
Secretary of State

615-741-2819
Tre.Hargett@tn.gov

April 1, 2014

The Honorable William Lamberth
Representative
108th General Assembly
22 Legislative Plaza
Nashville, TN 37243

VIA MESSENGER MAIL

Dear Representative Lamberth,

Enclosed are copies of correspondence sent to the City of Gallatin concerning Private Chapter 30 which was recently passed by the General Assembly.

These copies are being sent to you for your information only. No action is required on your part.

Thank you for your attention. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tre Hargett".

Tre Hargett
Secretary of State

cc: Private Chapter 30 file - Publications
Enclosures

State of Tennessee



The Secretary of State
State Capitol
Nashville, Tennessee 37243-0305

Tre Hargett
Secretary of State

615-741-2819
Tre.Hargett@tn.gov

April 1, 2014

The Honorable Terri Lynn Weaver
Representative
108th General Assembly
105 War Memorial Building
Nashville, TN 37243

VIA MESSENGER MAIL

Dear Representative Weaver,

Enclosed are copies of correspondence sent to the City of Gallatin concerning Private Chapter 30 which was recently passed by the General Assembly.

These copies are being sent to you for your information only. No action is required on your part.

Thank you for your attention. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Tre Hargett".

Tre Hargett
Secretary of State

cc: Private Chapter 30 file - Publications
Enclosures



To all to whom these Presents shall come, Greeting:

*I, Tre Kargett, Secretary of State of the State of Tennessee,
do hereby certify that the annexed is a true copy of*

Private Chapter 30

Senate Bill 1404

House Bill 1351

2014



*the original of which is now on file and a matter
of record in this office. In Testimony Whereof,
I have hereunto subscribed my official signature
and by order of the Governor affixed the
Great Seal of Tennessee at the Department
in the City of Nashville,
this 28th day of February, A.D. 2014.*

Tre Kargett, Secretary of State



State of Tennessee

PRIVATE CHAPTER NO. 30

SENATE BILL NO. 1404

By Haile

Substituted for: House Bill No. 1351

By Lamberth, Weaver

AN ACT to amend Chapter 67 of the Private Acts of 1953, as amended by Chapter 48 of the Private Acts of 1999, Chapter 4 of the Private Acts of 2009, and any other acts amendatory thereto, relative to the charter of the City of Gallatin.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 67 of the Private Acts of 1953, as amended by Chapter 48 of the Private Acts of 1999, Chapter 4 of the Private Acts of 2009, and any other acts amendatory thereto, is amended in Article II, Section 1 by adding a new subsection (22) which shall read as follows:

(22) *Rainy Day Fund.* The City Council shall have power to establish a "rainy day" fund in such amounts as it deems appropriate, but in no event less than twenty percent (20%) of that fiscal year's operating expenses, excluding any capital purchases. Notwithstanding any provision in Article III, Section 15 of this Charter to the contrary, expenditures from the rainy day fund shall require the affirmative vote of five (5) members of the City Council.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Gallatin. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

April 22, 2014

DEPARTMENT: CITY ATTORNEY

AGENDA #

SUBJECT:
RAINY DAY FUND

SUMMARY:

The City Council passed Ordinance No. O1302-5 on first reading in February last year. It has been approved by the TN General Assembly and is ready for second reading.

RECOMMENDATION:

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☒ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

ORDINANCE NO. O14Ø3-10

ORDINANCE APPROPRIATING FUNDS FROM SALE OF EQUIPMENT FOR THE
PUBLIC WORKS DEPARTMENT IN THE AMOUNT OF \$3,484.65

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum
of \$3,484.65 is hereby appropriated from account # 110-36330, Sale of Equipment to
110-43170-266 Vehicle Maintenance Repair and Maintenance of Buildings.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE
that this ordinance shall take effect on its final passage, the public welfare requiring such.

PASSED FIRST READING: April 15, 2014.

PASSED SECOND READING: _____

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON, CITY ATTORNEY

03/11/2014 14:30
annette.bailey

City of Gallatin Live Database
G/L ACCOUNT DETAIL



PG 1
glactinq

Org: 110 Object: 36330 110-36330
SALES OF EQUIPMENT

YEAR	PER	JOURNAL	EFF	DATE	SRC	T	PO/REF2	REFERENCE	AMOUNT	P	CHECK	NO	WARRANT	VDR	NAME/ITEM	DESC	COMMENTS
2014	08	000169	02/20/2014	CRP	1	77163			-16.00	N					GOVDEALS	GPD	
2014	08	000169	02/20/2014	CRP	1	77163			-177.00	N					GOVDEALS	GPD	
2014	08	000169	02/20/2014	CRP	1	77163			-48.77	N					CITY HALL ADMIN		
2014	08	000009	02/03/2014	CRP	1	75219			-664.00	N					PKW-STREETS		
2014	07	000354	01/22/2014	GEN	1				139.00	N					CORRECTION TO GOVDEALS	CH	
2014	07	000354	01/22/2014	GEN	1				-139.00	N					CORRECTION TO GOVDEALS	CH	
2014	07	000341	01/27/2014	CRP	1	74823			-2,569.88	N					GOVDEALS		
2014	07	000341	01/27/2014	CRP	1	74823			-831.99	N					GOVDEALS		
2014	07	000341	01/27/2014	CRP	1	74823			-258.00	N					CITY HALL ADMIN		
2014	07	000341	01/27/2014	CRP	1	74823			-710.00	N					PKW STREETS		
2014	07	000341	01/27/2014	CRP	1	74823			2,569.88	N					PKW STREETS		
2014	07	000341	01/27/2014	CRP	1	74826			831.99	N					Reversal / 74823		
2014	07	000341	01/27/2014	CRP	1	74826			258.00	N					Reversal / 74823		
2014	07	000341	01/27/2014	CRP	1	74826			710.00	N					Reversal / 74823		
2014	07	000341	01/27/2014	CRP	1	74827			-2,569.88	N					GOVDEALS		
2014	07	000341	01/27/2014	CRP	1	74827			-831.99	N					GOVDEALS		
2014	07	000341	01/27/2014	CRP	1	74827			-258.00	N					CITY HALL ADMIN		
2014	07	000341	01/27/2014	CRP	1	74827			-139.00	N					PKW VEH MAINT		
2014	06	000271	01/02/2014	CRP	1	72315			-5,201.00	N					GOV 2009 DODGE CHARGER		
2014	05	000027	11/05/2013	CRP	1	64432			-1,775.00	N					LEISURE-PARKS		
2014	04	000132	10/16/2013	CRP	1	63841			-925.00	N					LEISURE - PARKS		
2014	04	000132	10/16/2013	CRP	1	63841			-1,175.00	N					CITY HALL - ADMIN		
2014	03	000432	09/30/2013	CRP	1	63345			-54.00	Y					GOVDEALS INC		
2014	03	000168	09/23/2013	CRP	1	63079			-51.00	Y					GOVDEALS - GPD COMPUTER &		
2014	03	000121	09/17/2013	CRP	1	62962			-158.66	Y					GOVDEALS		
2014	03	000121	09/17/2013	CRP	1	62962			-26.00	Y					PKW STREETS		
2014	03	000058	09/09/2013	CRP	1	62821			-154.00	Y					GPD-POLICE		
2014	02	000089	08/13/2013	CRP	1	62381			-122.00	Y					PKW-STREETS		
2014	02	000042	08/06/2013	CRP	1	62273			-1,415.00	Y					PKW-STREETS (CONCRETE B		
2014	01	000175	07/22/2013	CRP	1	61988			-2,140.00	Y					CITY HALL/CODES/PLANNING		
2014	01	000123	07/15/2013	CRP	1	61837			-1,135.00	Y					FOV DEALS-CITY HALL-CODES		
2014	01	000048	07/08/2013	CRP	1	61689			-1,245.00	Y					CITY HALL/CODES/PLANNING		

Total Amount: -20,281.30

** END OF REPORT - Generated by Annette Bailey **

CITY OF GALLATIN
THE COUNCIL COMMITTEE
AGENDA SUMMARY
March 25, 2014

AGENDA # _____

DEPARTMENT: Public Works

SUBJECT: APPROPRIATION OF FUNDS-SALE OF EQUIPMENT

SUMMARY: Ordinance in the amount of \$3,484.65 attached

RECOMMENDATION:

ATTACHMENT:

____ Resolution

____ Correspondence

____ Bid Tabulation

X Ordinance

____ Contract

X Other Account detail

Approved ✓
Rejected _____
Deferred _____

Notes:

ORDINANCE NO. 01403-14

ORDINANCE APPROPRIATING \$1,270.00 FROM REVENUE RECEIVED BY SIGN
SHOP SALE OF MATERIALS

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of
\$1,270.00 is hereby appropriated from revenue received from Sale of Materials – Signs,
account #110-36500, to account #110-43120-342, Sign Parts and Supplies, and

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE,
that this Ordinance shall take effect from and after its final passage, the public welfare
requiring such.

PASSED FIRST READING: April 15, 2014.

PASSED SECOND READING:.

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

JOE THOMPSON
CITY ATTORNEY

CITY OF GALLATIN
THE COUNCIL COMMITTEE
AGENDA SUMMARY
04/08/2014

AGENDA # _____

DEPARTMENT: Public Works

SUBJECT: Ordinance to make appropriation for signs and sign installation

SUMMARY: Please appropriate \$1,270.00 to 110-43120-342

RECOMMENDATION:

ATTACHMENT:

____ Resolution
 x Ordinance

____ Correspondence
____ Contract

____ Bid Tabulation
____ Other

Approved ✓
Rejected _____
Deferred _____

Notes:

ORDINANCE NO. 01404-20

ORDINANCE APPROPRIATING \$100,000.00 FOR PAVING AND REPAIRS
TO THE PARKING AREA AT THE GALLATIN CIVIC CENTER

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$100,000.00 is hereby appropriated from the General Fund Undesignated Fund Balance to the Leisure Services Department, account 110-44420, for paving and repairs to the parking area at the Gallatin Civic Center, and

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING: April 15, 2014

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL, CITY RECORDER

JOE THOMPSON, CITY ATTORNEY

ORDINANCE NO. 01405-24

ORDINANCE APPROPRIATING \$2,338.27 FOR DAMAGE TO A DECORATIVE
LIGHT FIXTURE POLE AND LAMP AT WEST MAIN STREET

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$2,338.27 is hereby appropriated from the Undesignated Fund Balance of the General Fund for repairs to a decorative light fixture pole and lamp damaged by an accident on March 3, 2014. The funds will be payable to Gallatin Electric Department.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect on final passage, the public welfare requiring such.

PASSED FIRST READING: _____.

PASSED SECOND READING: _____.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON, CITY ATTORNEY

Gallatin Department of Electricity

**P.O. Box 1555
135 Jones Street
Gallatin, TN 37066
Phone: 615-452-5152
Fax: 615-452-6060**

April 14, 2014

City of Gallatin
ATTN: JamiAnn Hannah
132 West Main Street
Gallatin, TN 37066

**RE: Damages @ West Main Street, Gallatin – March 3, 2014
Police Report Tracking Number: 14-01026**

Cost to replace decorative street light @ West Main Street due to car accident.

Payroll (including all applicable OH)	\$ 272.87
Transportation	22.40
Decorative fixture, pole, & lamp	<u>2,043.00</u>
Total	\$ 2,338.27

AN ORDINANCE AMENDING GALLATIN MUNICIPAL CODE, CHAPTER 10,
ARTICLE IV. NOISE, SEC. 10-87. EXCEPTIONS

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that, Gallatin
Municipal Code Sec. 10-87 is hereby amended by deleting subsection (3) in its entirety and
replacing it with the following:

Sec. 10-87. Exceptions.

(3) Noncommercial and nonprofit events. Noise reasonably
related to events which occur on municipally controlled property
that are noncommercial in character and sponsored by nonprofit
organizations are exempt. However, no such event shall occur
until a permit therefor is secured from the recorder. Hours for the
event will be designated in the permit so issued and the event
shall be restricted to the hours so designated in the permit.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that
this Ordinance shall take effect upon passage, the public welfare requiring such.

PASSED FIRST READING: _____, 2014.

PASSED SECOND READING: _____, 2014.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

April 22, 2014

DEPARTMENT: City Attorney

AGENDA #

SUBJECT:

Exceptions to Noise Ordinance for Triple Creek Park Events

SUMMARY:

After researching the municipal code, an exception to the city's noise ordinances already exists for non-profit events. This ordinance would have to be modified slightly to accommodate the events at Triple Creek Park. See below:

Sec. 10-87. Exceptions.

None of the terms or prohibitions in sections 10-86 through 10-99 shall apply to or be enforced against:

(3) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit.
(Code 1979, § 10-233(2))

RECOMMENDATION:

ATTACHMENT:

☐ Resolution
☐ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☐ Other

Approved
Rejected
Deferred

X

Notes:

RESOLUTION NO. R1402-4

**RESOLUTION CONFIRMING LOCAL HISTORIC LANDMARK DESIGN
GUIDELINES FOR THE SCHAMBERGER OPERA HOUSE AT 126 EAST MAIN
STREET**

WHEREAS, Section 10.02.030.C of the Gallatin Zoning Ordinance authorizes the Mayor and City Council to approve design review guidelines for use by the Gallatin Historic District Commission and

WHEREAS, the building at 126 East Main Street (Schamberger Opera House) was designated a local historic landmark by the Gallatin City Council on February 4, 1997 (Ordinance No. 09701-003) and

THEREFORE, BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the design review guidelines for 126 East Main Street (Schamberger Opera House) are approved for use by the Gallatin Historic District Commission.

IT IS SO ORDERED.

AYE:

NAY:

DATE:

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

JOE H. THOMPSON
CITY ATTORNEY

DESIGN GUIDELINES FOR
SCHAMBERGER OPERA HOUSE
126 EAST MAIN STREET
GALLATIN, TENNESSEE

INTRODUCTION

These guidelines have been prepared for the current and future owners of the locally designated historic landmark at 126 East Main Street, known as the Schamberger Opera House.

In addition to being of value to the property owner and professionals which may be involved with the property, these Guidelines are intended to give objectivity to the work of the Gallatin Historic District Commission.

HISTORIC DISTRICT COMMISSION DUTIES

In brief, no building or structure within this property may be erected, altered, changed, removed, demolished, or site altered until a Certificate of Appropriateness has been granted whether or not a building permit is required.

Requirements - In considering an application for a Certificate of Appropriateness, the Commission has no specific requirements as to architectural form or style. The Commission recognizes that change is inevitable and in many cases desirable. The Commission asks only that all new work introduced, and changes to the structure already in place be appropriate, be competently designed and show respect to the property as a whole and its immediate neighbors. It seeks especially to avoid the false, the quaint, or the cute.

DEFINITIONS

Additions are anything that adds square footage to the structure. Additions should not replicate the historic structure. Additions shall be built so one can find the details existing of the historic structure.

Alterations are changes to the exterior of the existing structure that is not minimum maintenance.

Certificate of Appropriateness is a document issued by the Gallatin Historic District Commission certifying that the Commission has reviewed the described proposal and determined that it meets all applicable standards of the Commission.

Minimum Maintenance is any work to repair, the same way it originally existed, using like materials. Minimum Maintenance does not require a Certificate of Appropriateness.

Primary Façade, the most important of the building elevations, is the facade which faces East Main Street. In terms of historic preservation, the architectural details and materials of this façade receive the most specific attention.

Secondary Façades are the side and rear elevations.

A. ADDITIONS

1. Additions to the existing structure should not replicate the historic structure. Additions shall be built so one can find the original details existing on the historic structure, i.e. sizes of openings of windows and doors, roof shape, window moldings, cornices, and upper façade cornice details, and types of finish materials.
2. Additions shall be to the secondary facades or roof.
3. Any rooftop addition should be setback from the front and side elevations so that the addition is not visible from the public right-of-way below.
4. No sandblasting will be permitted on wood or masonry surfaces.

B. ALTERATIONS

Changes to the exterior of the building that are not minimum maintenance are;

1. Doors - should be related to the historic style of the structure.
2. Roof material - a change from the material that exists to a new material.
3. Windows - should be related to the historic style of the structure.
4. Secondary Façade Architectural Details – replacement, removal, or repair of things unique to the historic use of the structure, i.e. a former opera house, such as a crane for lifting stage equipment, raised roofline to accommodate stage equipment, or any other exterior detail associated with the opera house function.
5. Exterior brick and trim - the exterior wall materials should maintain the original materials of the structure.

RESOLUTION NO.

RESOLUTION CONFIRMING LOCAL HISTORIC LANDMARK DESIGN
GUIDELINES FOR THE SCHAMBERGER OPERA HOUSE AT 126 EAST MAIN
STREET

WHEREAS, Section 10.02.030.C of the Gallatin Zoning Ordinance authorizes the Mayor and City Council to approve design review guidelines for use by the Gallatin Historic District Commission andp

WHEREAS, the building at 126 East Main Street (Schamberger Opera House) was designated a local historic landmark by the Gallatin City Council on February 4, 1997 (Ordinance No. 09701-003) and

THEREFORE, BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the design review guidelines for 126 East Main Street (Schamberger Opera House) are approved for use by the Gallatin Historic District Commission.

IT IS SO ORDERED.

AYE:

NAY:

DATE:

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

JOE H. THOMPSON
CITY ATTORNEY

Kevin Chastine

From: Joe Thompson
Sent: Tuesday, December 03, 2013 9:58 AM
To: Kevin Chastine
Subject: RE: Historic District Design Guidelines
Attachments: Email:Tenn. Code Ann. § 13-7-406

Kevin,

Well what an interesting question. It appears the language of our zoning ordinance is not necessarily consistent with T.C.A. Sec. 13-7-406, which only requires approval by the Historic District Commission, not the City Council as our ordinance requires. So as you might imagine, there is no requirement for city council public hearing, since there is no requirement that city council pass the HDC guidelines in the first place.

The same statute DOES require a public hearing before the HDC, however. I have attached a copy of the statute for your review.

So, the is what I recommend. Send the HDC guidelines to the Council as a resolution. After Council approval, advertise a public hearing for an HDC vote to adopt the guidelines in an HDC meeting.

Let me know if you have any questions.

Joe Thompson
City Attorney
Room 212
132 West Main Street
Gallatin, TN 37066
Ph. (615)230-0681

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From: Kevin Chastine
Sent: Monday, December 02, 2013 10:21 AM
To: Joe Thompson
Subject: Historic District Design Guidelines

Joe,

I am preparing to send down the proposed design guidelines for 126 East Main Street for Council Committee on December 10th.

The Historic Commission recommended approval of the guidelines at their November 12th meeting.

I am presuming design guidelines require a public hearing at City Council, but wanted to verify with you.

Thanks!

Kevin Chastine, AICP

Planner II

Codes/Planning Department

City of Gallatin

132 West Main Street

Gallatin, TN 37066

615-451-5796

kevin.chastine@gallatin-tn.gov

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

DECEMBER 10, 2013

DEPARTMENT: CODES/PLANNING

AGENDA #

SUBJECT:

Ordinance #01311-59 Concurring and Approving Local Historic Landmark Design Guidelines for 126 East Main Street.

SUMMARY:

The Schamberger Opera House, located at 126 East Main Street, was designated as a local historic landmark, under Article 10 of the Gallatin Zoning Ordinance, in 1997. No design guidelines were adopted by City Council at that time. According to Section 10.02.030.C of the Gallatin Zoning Ordinance, design guidelines must be in place for the Gallatin Historic District Commission to review a proposed project. The attached guidelines have been created by members of the Gallatin Historic District Commission and the current property owner so that design guidelines can be in place for the property owner to move forward with work on the storefront of the building.

RECOMMENDATION:

ATTACHMENT:



**Resolution
Ordinance**



**Correspondence
Contract**



**Bid Tabulation
Other**

Approved
Rejected
Deferred



Notes:

Please find attached a copy of the proposed design guidelines for 126 East Main Street.

ORDINANCE ESTABLISHING LOCAL HISTORIC LANDMARK DESIGN GUIDELINES
FOR THE GALLATIN OPERA HOUSE – LOCATED AT 126 EAST MAIN STREET – PER
SECTION 10.02.030 OF THE ZONING ORDINANCE OF THE CITY OF GALLATIN,
TENNESSEE

WHEREAS, the Gallatin Historic District Commission, pursuant to Section 10.02.030 of the Gallatin Zoning Ordinance has reviewed and recommended approval of local landmark design guidelines, attached hereto as Exhibit A; and

WHEREAS, notice and public hearing before the Gallatin City Council has or will occur before final passage of this amendment pursuant to Section 15.07.060 of the Gallatin Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE that local landmark design guidelines are established for the Gallatin Opera House, attached hereto as Exhibit A.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect upon final passage, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

ITEM 3

ITEM 3: Gallatin Opera House Design Guidelines 11/12/13 GHDC MEETING

Applicant requests approval of new Local Landmark Design Guidelines for the Gallatin Opera House located at 126 East Main Street. (PC0204-13)

Attachment	3-1	Local Landmark Design Guidelines
Attachment	3-2	Local Landmark Application
Attachment	3-3	2003 Historic Resource Survey Information
Attachment	3-4	City Council Ordinance

ANALYSIS

The applicant is requesting approval of new Local Landmark Design Guidelines for the Gallatin Opera House located at 126 East Main Street. This property is currently zoned Core Commercial with an H1 historic zoning overlay (CC, H1).

Historical Data

The property at 126 East Main Street contains a two-story, brick veneer; commercial building was constructed circa 1905. The build was built by William George Schamberger and housed the Schamberger Opera on the second floor, with retail spaces occupying the ground level storefronts. The second floor opera continued to be utilized as a theater until the mid-20th century. A more detailed architectural description of the building is provided in Attachment 3-3.

Local Landmark Designation

The Schamberger Opera house was listed on the National Register of Historic Places as a contributing structure to the Gallatin Commercial Historic District in 1984. The building remains a contributing structure to the Gallatin Commercial Historic District, per a 2003 historic resource survey funded by a grant from the Tennessee Historical Commission. A copy of the pages relating to the Opera House is provided as Attachment 3-3.

The property owners in 1997, Donna and Freeman Thompson, decided to have the building at 126 East Main Street designated as a local landmark. The designation, adding an H-1 overlay zone to the property, progressed through the Planning Commission and City Council until it was passed on 2nd reading at the February 4, 1997 City Council meeting. Although the H-1 overlay was in place on the building, there were no design guidelines approved at that time.

Project Description

The current owner of the building at 126 East Main Street contacted Staff several months ago regarding an update to the storefront cornice area of this building. As Staff investigated the project they realized there were no design guidelines for the Historic Commission to utilize to consider the proposed project. Section 10.02.030.C of the Gallatin Zoning Ordinance states that, "No application may be considered by the Gallatin Historic District Commission until such time as said guidelines have received approval of the Mayor and Alderman."

GALLATIN A

After reading Section 10.02.030.C Staff submitted a Request for Legal Opinion to the Gallatin City Attorney regarding the Commission's ability to review the proposed project. The City Attorney told Staff that design guidelines had to be in place before the project could be reviewed by the Historic District Commission. At this point in time Staff began searching for some unofficial design guidelines that the Historic Commission said were written at the time of the H-1 overlay, but were never approved by City Council. Staff found these guidelines and provided them to both the property owner and Historic Commission members for their review and comments.

During the regularly scheduled Gallatin Historic District Commission meeting on October 8th, 2013 the current property owner, Anna Stephens, and the Commission discussed potential updates to the Gallatin Opera House design guidelines. After agreeing on certain updates of text, formatting, and grammatical corrections the design guidelines are ready for consideration and vote by the Commission. The design guidelines will next go to City Council, with a recommendation from the Historic District Commission, for final consideration and possible approval.

RECOMMENDATION

Staff recommends the Historic District Commission recommend approval of the Local Landmark Design Guidelines, for the Gallatin Opera House 126 East Main Street, to the Gallatin City Council.

ATTACHMENT

3-2

LANDMARK NOMINATION FORM

1. NAME OF PROPERTY:

Historic GALLATIN OPERA HOUSE

Common _____

2. ADDRESS OF PROPERTY:

Street and Number 126 EAST MAIN ST., GALLATIN, TN Zip Code 37066

3. CLASSIFICATION:

Category: Site Building Structure Object District
Ownership: Public Private Both

4. OWNER OF PROPERTY:

Name DONNIE AND FREEMAN THOMPSON

Mailing Address 126 EAST MAIN ST., GALLATIN, TN 37066

Telephone 452-1763

5. CRITERIA UNDER WHICH THE PROPERTY IS NOMINATED:

Please circle the appropriate letter(s)

- ☒ A. Embodies distinctive characteristics of a type, period or method of construction
- ☐ B. Represents work of a master
- ☐ C. The structure is associated with a significant person, or
- ☒ D. The structure is associated with a specific event marking an important moment or a pattern of events or historical trends

6. DESCRIPTION OF THE PROPERTY:

Date(s) of construction 1897

Name of architect, if known _____

Name of builder, if known _____

Please provide a brief description of the present and original (if known) physical appearance of the property.

SEE ATTACHED PHOTOS.

LOCAL HISTORIC DISTRICT APPLICATION FORM

Local Historic District Application
(City Name) Historic Zoning Commission
Address of the Commission
City Name

1. Name of Historic ^{Landmark} District: GALLATIN OPERA HOUSE
2. Is the district listed on the National Register of Historic Places? YES
3. Location of the district: 126 EAST MAIN ST.

4. Total Number of Buildings within the proposed Historic District Boundaries: (An inventory of Building in the district must accompany this application) 1

5. Brief description of the ^{Landmark} district: A single structure located @ 126 EAST MAIN ST.

6. Brief summary of the historical significance:

The original use was as Gallatin Buggy and Implement.
The upper floor was utilized as a Theater for live productions.
In more modern times, the upper floor was converted to a boarding house and various retail uses including Clark Drug on the First Floor.

7. Reasons for listing ^{landmark} district: To preserve the historic character of the building.

ATTACHMENT

32

Who will represent applicant before the Historic Zoning Commission and City Council? (Representative should have authority to commit applicant to changes that may be suggested by the commission.)

Applicant (Organization): DONNIE & Freeman Thompson

Applicant's Address: 120 East Main, Gallatin, TN 37060

Telephone: 452-1703

Name of representative: FREEMAN THOMPSON
(Representative will represent applicant before the Historic Zoning Commission.)

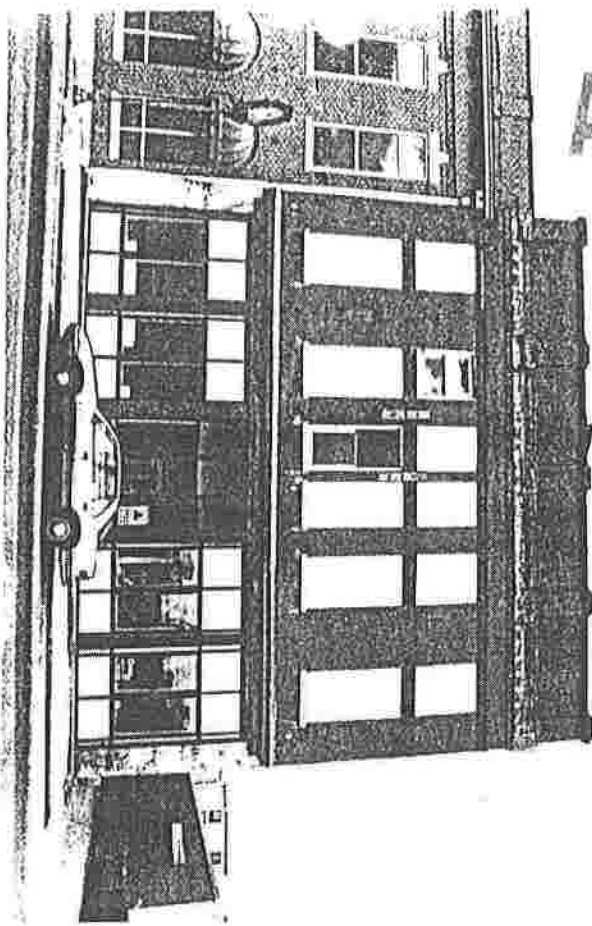
Address: _____

Telephone _____ Date: _____

Signature of Applicant/Representative: _____

2016 A

C-LINE #5258
35MM 111IN 1.5



ATTACH

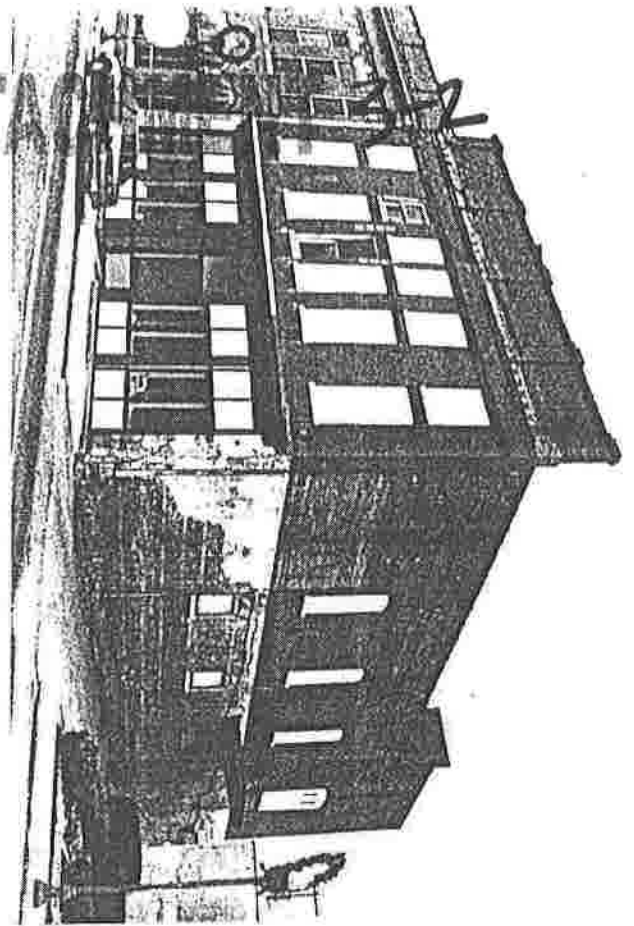


EXHIBIT A



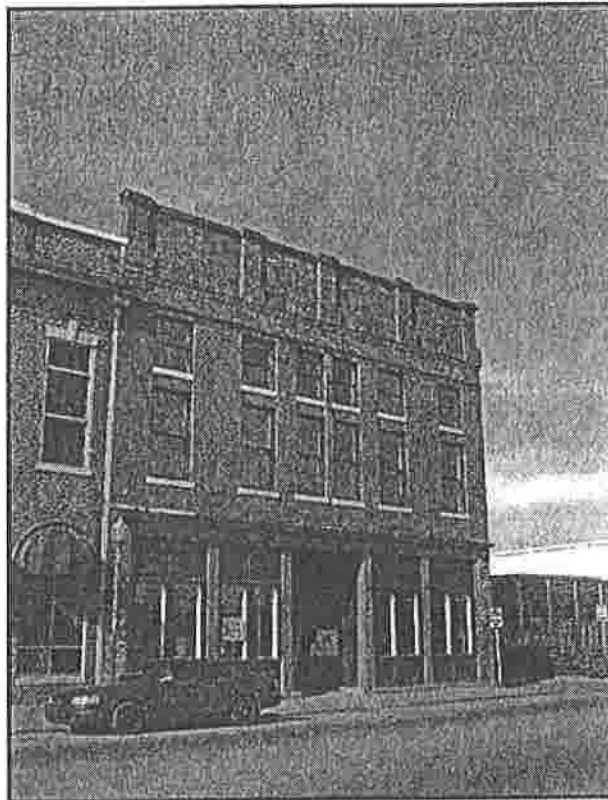
ATTACHMENT 3-3

HISTORIC AND ARCHITECTURAL INVENTORY Gallatin Commercial Historic District, Sumner County, Tennessee

THC#: SU 1303

COUNTY: Sumner

QUAD: Gallatin (313 NW)



PROPERTY INFORMATION:

Historic/Common Name: Schamberger Opera House (Historic)

Property Location: 126 E. Main St

HISTORIC BACKGROUND:

Date of Construction: 1905

Other Information: The Schamberger Opera House was built at this location in 1905 by owner William George Schamberger. The building housed retail businesses on the first floor and a theater on the second floor. The building continued to be used as a theater until the mid-20th century.

Exhibit A

ARCHITECTURAL SUMMARY:

At this location is a two-story brick commercial building constructed in 1905. The building has a cast concrete foundation, a flat roof of asphalt and an exterior of stretcher bond brick. The storefront was remodeled in 2004 with frame bulkheads, wood and glass display windows and a transom with wood panels. The main entrance is recessed with a two-light glass and wood door. On the second story are six window bays with one-over-one wood sash windows added in 2004. The windows have original concrete sills. Above these windows is an attic story with one-over-one wood sash windows added in 2004. Above the attic story is a brick belt course. Above this belt course is a corbelled brick cornice with terra cotta egg and dart molding. At the roofline are five projecting brick piers. The interior was remodeled in 2004 with added wall, ceiling and floor finishes. Above the storefront is an original sheet metal cornice.

NATIONAL REGISTER ASSESSMENT:

Constructed in 1905, this building housed the Shamberger Opera House for several decades. The building's storefront was remodeled in 2004 but the overall historic design of the building is evident and it is included as contributing to the district.

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

APRIL 22, 2014

DEPARTMENT: PLANNING

AGENDA # 4

SUBJECT:

Resolution No. R14O2-4 Concurring and Approving Local Historic Landmark Design Guidelines for 126 East Main Street.

SUMMARY:

The Schamberger Opera House, located at 126 East Main Street, was designated as a local historic landmark, under Article 10 of the Gallatin Zoning Ordinance, in 1997. No design guidelines were adopted by City Council at that time. According to Section 10.02.030.C of the Gallatin Zoning Ordinance, design guidelines must be in place for the Gallatin Historic District Commission to review a proposed project. The attached guidelines have been created by members of the Gallatin Historic District Commission and the current property owner so that design guidelines can be in place for the property owner to move forward with work on the storefront of the building.

RECOMMENDATION:

ATTACHMENT:

☒ Resolution
☐ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☒ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

Please find attached a copy of the proposed design guidelines for 126 East Main Street.

RESOLUTION CONFIRMING REAPPOINTMENT OF ROGER MATCHETT TO
GALLATIN HISTORIC DISTRICT COMMISSION

BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that,

WHEREAS, Section 10.02.040.A of the Gallatin Zoning Ordinance authorizes the Mayor to appoint members to the Gallatin Historic District Commission and

WHEREAS, the Mayor has forwarded the reappointment of Roger Matchett to serve a five year term expiring in January, 2019 to the City Council for confirmation; and

WHEREAS, Section 10.02.040.A requires that the City Council confirm the appointment by resolution;

THEREFORE, BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that Roger Matchett is confirmed as an appointee to the Gallatin Historic District Commission.

IT IS SO ORDERED.

AYE:

NAY:

DATE:

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

JOE H. THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

April 22, 2014

DEPARTMENT: Mayor

AGENDA #

SUBJECT:

Reappoint Roger Matchett to Historic District Commission

SUMMARY:

The Gallatin Historic District Commission requires that one member be an architect. Roger Matchett has served the Commission in that capacity and his term is up for reappointment.

RECOMMENDATION:

ATTACHMENT:

☒ Resolution
☐ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☐ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

RESOLUTION REAPPOINTING JAMES ROBERT RAMSEY TO GALLATIN REGIONAL
BOARD OF ZONING APPEALS

BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that,

WHEREAS, Section 15.04.020(c) of the Gallatin Zoning Ordinance authorizes the Mayor to appoint members to the Gallatin Regional Board of Zoning Appeals with confirmation by the City Council; and

WHEREAS, the Mayor has forwarded the appointment of James Robert Ramsey to serve a five year term ending September 2018 to the City Council for confirmation; and

WHEREAS, Section 15.04.020 (c) requires that the City Council confirm the appointment by resolution;

THEREFORE, BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that James Robert Ramsey is confirmed as an appointee to the Gallatin Regional Board of Zoning Appeals.

IT IS SO ORDERED.

AYE:

NAY:

DATE:

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

JOE H. THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

April 22, 2014

DEPARTMENT: Mayor

AGENDA #

SUBJECT:

Reappoint James Robert Ramsey to the Regional Board of Zoning Appeals

SUMMARY:

RECOMMENDATION:

ATTACHMENT:

<input checked="" type="checkbox"/>
<input type="checkbox"/>

**Resolution
Ordinance**

<input type="checkbox"/>
<input type="checkbox"/>

**Correspondence
Contract**

<input type="checkbox"/>
<input type="checkbox"/>

**Bid Tabulation
Other**

**Approved
Rejected
Deferred**

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Notes: